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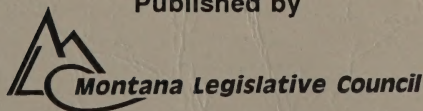
**HOUSE JOURNAL**  
**of the**  
**FIFTY-THIRD LEGISLATURE**  
**of the**  
**STATE OF MONTANA**  
  
**VOLUME I**

**Held in Helena, the Seat of Government  
Commencing in Regular Session January 4, 1993,  
and Ending April 24, 1993**

**JOHN MERCER**  
**Speaker of the House**

**MARILYN MILLER**  
**Chief Clerk of the House**

**Published by**









**HOUSE JOURNAL**  
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**FIFTY-THIRD LEGISLATURE**  
**OF THE**  
**STATE OF MONTANA**

**In Regular Session**

**January 4 through April 24, 1993**

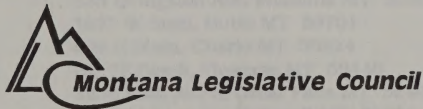
**John Mercer**  
**Speaker of the House**

**Marilyn Miller**  
**Chief Clerk of the House**

**Kay Miller**  
**Journal Clerk**

**Robert Klinker**  
**Assistant Journal Clerk**

**Published by**



**Room 138**  
**State Capitol**  
**Helena, MT 59620**

**Robert B. Person**  
**Executive Director**

**Terri Brock**  
**Proofreader**

**Kevin Hayes**  
**Typesetting**





# OFFICERS AND MEMBERS OF THE MONTANA HOUSE

1993

100 Members

53 Republicans

47 Democrats

## OFFICERS

Speaker	John Mercer
Speaker Pro Tempore	Marian Hanson
Majority Leader	Larry Hal Grinde
Majority Whip	Jim Rice
Minority Leader	Ted Schye
Minority Whip	Bill Strizich
Chief Clerk of the House	Marilyn Miller

## MEMBERS

Name	Residence or Mailing Address	Dist No	Party
Anderson, Shiell	Hayhook Ranch, Rte 85 Box 4251, Livingston MT 59047	81	Republican
Bachini, Bob	409 19th St, Havre MT 59501	14	Democrat
Bardanoue, Francis	PO Box 367, Harlem MT 59526	16	Democrat
Barnett, Joe	204 N Davis, Belgrade MT 59714	76	Republican
Barnhart, Beverly	614 S 6th, Bozeman MT 59715	80	Democrat
Benedict, Steve	PO Box 668, Hamilton MT 59840	64	Republican
Bergman, Ellen	1019 S Strevell, Miles City MT 59301	26	Republican
Bergsagel, Ernest	HC 84, Box 8045, Malta MT 59538	17	Republican
Bird, Joann T. (Jody)	50 T-Bird Ln, Superior MT 59872	52	Democrat
Boharski, William E.	PO Box 2965, Butte MT 59901	4	Republican
Bohlinger, John C.	2712 Virginia Ln, Billings MT 59102	94	Republican
Brandewie, Ray	25200 Hwy 35, Bigfork MT 59911	49	Republican
Brooke, Vivian M.	1610 Madeline Ave, Missoula MT 59801	56	Democrat
Brown, Dave	3040 Ottawa, Butte MT 59701	72	Democrat
Clark, Robert C.	PO Box 216, Ryegate MT 59074	31	Republican
Cobb, John	PO Box 388, Augusta MT 59410	42	Republican
Cocchiarella, Vicki	535 Livingston Ave, Missoula MT 59801	59	Democrat
Dally, Fred (Fritz)	1057 W Steel, Butte MT 59701	69	Democrat
Davis, Ervin	604 N Main, Charlo MT 59824	53	Democrat
DeBruycker, Roger	HC 77 Box 8, Flowerec MT 59440	13	Republican
Dolezal, Edward J.	3236 Fifth Ave S, Great Falls MT 59405	34	Democrat
Dowell, Tim	46 West View Dr, Kalspell MT 59901	5	Democrat
Driscoll, Jerry L.	4344 Stone St, Billings MT 59101	92	Democrat
Elliott, Jim	100 Trout Creek Rd, Trout Creek MT 59874	51	Democrat
Ellis, Jr., Alvin A.	Rte 1, Box 4840, Red Lodge MT 59068	84	Republican
Endy, William R. (Bill)	178 Kountz Rd, Whitehall MT 59759	74	Democrat
Ewer, David	1016 5th Ave, Helena MT 59601	45	Democrat
Fagg, Russell	PO Box 176, Billings MT 59103	89	Republican
Feland, Gary	215 11th Ave N, Shelby MT 59474	12	Republican
Fisher, Marjorie I.	Box 565, Whitefish MT 59937	3	Republican
Foster, Mike	PO Box 126, Townsend MT 59644	32	Republican
Galvin, Patrick G.	105 29th Ave NW, Great Falls MT 59404	40	Democrat
Gervais, Floyd (Bob)	PO Box 1810, Browning MT 59417	9	Democrat
Gilbert, Bob	PO Drawer 1228, Sidney MT 59270	22	Republican
Grady, Edward J. (Ed)	Star Route, Canyon Creek MT 59633	47	Republican
Grimes, Duane	Gruber Estates, Box 81, Clancy MT 59634	75	Republican
Grinde, Larry Hal	RR 3, Lewistown MT 59457	30	Republican
Hansen, Stella Jean	841 Woodford St, Missoula MT 59801	57	Democrat

Hanson, H.S. (Sonny)	2237 Green Terrace Dr, Billings MT 59102	87	Republican
Hanson, Marian W.	PO Box 237, Ashland MT 59003	100	Republican
Harper, Hal	9 Comstock Rd, Helena MT 59601	44	Democrat
Harrington, Dan W.	1201 N Excelsior, Butte MT 59701	68	Democrat
Hayne, Harriet	PO Box 285, Dupuyer MT 59432	10	Republican
Herron, Jack R.	360 5th Ave E N, Kalispell MT 59901	6	Republican
Hibbard, Chase	725 Madison, Helena MT 59601	46	Republican
Johnson, John	124 Gresham, Glendive MT 59330	23	Democrat
Johnson, Royal C.	2915 Illinois, Billings MT 59102	88	Republican
Kadas, Mike	922 Taylor, Missoula MT 59802	55	Democrat
Kasten, Betty Lou	HC 77, Box A-14, Brockway MT 59214	28	Republican
Keller, Vernon V.	HC 55, Box 355, Fishtail MT 59028	83	Republican
Knox, Dick	HCR Box 14, Winifred MT 59489	29	Republican
Larson, Don	PO Box 285, Seeley Lake MT 59868	65	Democrat
Mason, Gary D.	1368 Auction Way, Corvallis MT 59828	63	Republican
McCaffree, Ed	PO Box 1354, Forsyth MT 59327	27	Democrat
McCarthy, Bea	1906 Ogden, Anaconda MT 59711	66	Democrat
McCulloch, Scott T.	611 Tabriz Dr, Billings MT 59105	96	Democrat
Menahan, William T. (Red)	1304 W Fifth, Anaconda MT 59711	67	Democrat
Mercer, John A.	PO Box 450, Polson MT 59860	50	Republican
Mills, Norm	1908 9th St W, Billings MT 59104	90	Republican
Molnar, Brad	Box 524, Laurel MT 59044	85	Republican
Nelson, Linda J.	HC 51, Box 30, Medicine Lake MT 59247	19	Democrat
Nelson, Thomas E.	1116 Moon Valley Rd, Billings MT 59105	95	Republican
Orr, Scott J.	PO Box 1318, Libby MT 59923-1318	2	Republican
Pavlovich, Robert J. (Bob)	1375 Harrison Ave, Butte MT 59701	70	Democrat
Peck, Ray	729 Fourth Ave, Havre MT 59501	15	Democrat
Peterson, Mary Lou	234 Glen Lake Dr, Eureka MT 59917	1	Republican
Quillci, Joe	3040 Kossuth, Butte MT 59701	71	Democrat
Raney, Bob	212 S Sixth St, Livingston MT 59047	82	Democrat
Ream, Robert R. (Bob)	5950 Wildcat Rd, Missoula MT 59802	54	Democrat
Rehbein, Jr., William	PO Box 156, Lambert MT 59243	21	Republican
Rice, Jim	1525 Williamsburg Rd, Helena MT 59601	43	Republican
Rice, Shella	1501 4th Ave N, Great Falls MT 59401	36	Democrat
Rose, John (Sam)	Box 604, Choteau MT 59422	11	Republican
Russell, Angela	PO Box 333, Lodge Grass MT 59050	99	Democrat
Ryan, William M. (Bill)	8 18th Ave S, Great Falls MT 59405	38	Democrat
Sayles, Tim	4528 N Ave West, Missoula MT 59801	61	Republican
Schwinden, Dore	Box 6060, Wolf Point MT 59201	20	Democrat
Schye, Ted	N Star Route, Glasgow MT 59230	18	Democrat
Simon, Bruce T.	217 Clark Ave, Billings MT 59101	91	Republican
Simpkins, Richard D.	1221 Park Garden Rd, Great Falls MT 59404	39	Republican
Smith, Liz	311 Freezeout Ln, Deer Lodge MT 59722	48	Republican
Spring, Wilbur	2383 Penwell Bridge Rd, Belgrade MT 59714	77	Republican
Squires, Carolyn M.	2111 S Tenth St W, Missoula MT 59801	58	Democrat
Stanford, Wayne	420 Dry Gulch Rd, Stevensville MT 59870	62	Democrat
Stovall, Jay	8325 Pryor Rd, Billings MT 59101	98	Republican
Strizich, William S. (Bill)	736 27th Ave NE, Great Falls MT 59404	41	Democrat
Swanson, Emily	1716 S Willson, Bozeman MT 59715	79	Democrat
Tash, Bill	45 Vista Dr, Dillon MT 59725	73	Republican
Toole, Howard	1625 McDonald, Missoula MT 59801	60	Democrat
Tunby, Rolph	PO Box 56, Plevna MT 59344	24	Republican
Tuss, Carley	1910 Colorado Ave, Black Eagle MT 59414	35	Democrat
Vogel, Randy	5953 Lazy Ln, Billings MT 59106	86	Republican
Wagner, Douglas T.	PO Box 21, Hungry Horse MT 59919	8	Republican
Wallin, Norm	2422 Springcreek Dr, Bozeman MT 59715	78	Republican
Wanzneried, David E.	307 1st Ave E #12, Kalispell MT 59901	7	Democrat
Whalen, Timothy J.	101 Avenue C, Billings MT 59101	93	Democrat
Winslow, Karyl	4608 Box Canyon, Billings MT 59103	97	Republican
Wiseman, William R.	3310 Centennial Ct, Great Falls MT 59404	33	Republican
Wyatt, Diana E.	300 31st St S, Great Falls MT 59405	37	Democrat
Zook, Tom	c/o Broadus Stage, Miles City MT 59301	25	Republican



## FIRST LEGISLATIVE DAY

Helena, Montana  
January 4, 1993

House Chambers  
State Capitol

Pursuant to the Constitution of the State of Montana, at the hour of 12:00 noon, the House of Representatives of the 53rd Legislature of the State of Montana was called to order by the Honorable Mike Cooney, Secretary of the State of Montana.

Posting of the Colors by Captain Kevin Collins and members of the Montana National Guard and the Pledge of Allegiance to the Flag followed.

Invocation was given by Reverend Joseph A. Keys.

Chief Clerk Marilyn Miller called the roll by districts as follows: District No. 1, Mary Lou Peterson; District No. 2, Scott J. Orr; District No. 3, Marjorie I. Fisher; District No. 4, William E. Boharski; District No. 5, Tim Dowell; District No. 6, Jack R. Herron; District No. 7, David E. Wanzennried; District No. 8, Douglas T. Wagner; District No. 9, Floyd (Bob) Gervais; District No. 10, Harriet Hayne; District No. 11, John (Sam) Rose; District No. 12, Gary Feland; District No. 13, Roger DeBruycker; District No. 14, Bob Bachini; District No. 15, Ray Peck; District No. 16, Francis Bardanouve; District No. 17, Ernest A. Bergsagel; District No. 18, Ted E. Schye; District No. 19, Linda J. Nelson; District No. 20, Dore Schwinden; District No. 21, William Rehbein, Jr.; District No. 22, Bob Gilbert; District No. 23, John Johnson; District No. 24, Rolph Tunby; District No. 25, Tom Zook; District No. 26, Ellen Bergman; District No. 27, Ed McCaffree; District No. 28, Betty Lou Kasten; District No. 29, Dick Knox; District No. 30, Larry Hal Grinde; District No. 31, Robert C. Clark; District No. 32, Mike Foster; District No. 33, William R. Wiseman; District No. 34, Edward J. Dolezal; District No. 35, Carley Tuss; District No. 36, Sheila Rice; District No. 37, Diana Wyatt; District No. 38, William M. (Bill) Ryan; District No. 39, Dick Simpkins; District No. 40, Patrick G. Galvin; District No. 41, William S. (Bill) Strizich; District No. 42, John Cobb; District No. 43, Jim Rice; District No. 44, Hal Harper; District No. 45, David Ewer; District No. 46, Chase Hibbard; District No. 47, Edward (Ed) J. Grady; District No. 48, Liz Smith; District No. 49, Ray Brandewie; District No. 50, John A. Mercer; District No. 51, Jim Elliott; District No. 52, Joann T. (Jody) Bird; District No. 53, Ervin Davis; District No. 54, Bob Ream; District No. 55, Mike Kadas; District No. 56, Vivian M. Brooke; District No. 57, Stella Jean Hansen; District No. 58, Carolyn Squires; District No. 59, Vicki Cocchiarella; District No. 60, Howard Toole; District No. 61, Tim Sayles; District No. 62, Wayne Stanford; District No. 63, Gary D. Mason; District No. 64, Steve Benedict; District No. 65, Don Larson; District No. 66, Bea McCarthy; District No. 67, William (Red) Menahan; District No. 68, Dan W. Harrington; District No. 69, Fred (Fritz) Daily; District No. 70, Robert J. (Bob) Pavlovich; District No. 71, Joe Quillico; District No. 72, Dave Brown; District No. 73, Bill Tash; District No. 74, William R. (Bill) Endy; District No. 75, Duane Grimes; District No. 76, Joe Barnett; District No. 77, Wilbur Spring; District No. 78, Norm Wallin; District No. 79, Emily Swanson; District No. 80, Beverly Barnhart; District No. 81, Shiell Anderson; District No. 82, Bob Raney; District No. 83, Vernon V. Keller; District No. 84, Alvin A. Ellis, Jr.; District No. 85, Brad Molnar; District No. 86, Randy Vogel; District No. 87, H. S. (Sonny) Hanson; District No. 88, Royal C. Johnson; District No. 89, Russell Fagg; District No. 90, Norm Mills; District No. 91, Bruce T. Simon; District No. 92, Jerry L. Driscoll; District No. 93, Timothy J. Whalen; District No. 94, John C.



Bohlinger; District No. 95, Thomas E. Nelson; District No. 96, Scott T. McCulloch; District No. 97, Karyl Winslow; District No. 98, Jay Stovall; District No. 99, Angela Russell; District No. 100, Marian W. Hanson. All members present except Ream, Brown, excused.

Mike Cooney, Secretary of the State of Montana extended greetings to the members on behalf of the State of Montana and delivered the following address:

Justice Harrison, Members of the 53rd Legislature, Reverend Keys, friends, and my fellow Montanans.

On behalf of the State of Montana, I extend to you official greetings.

Today is about new beginnings.

We stand together in this chamber at the dawn of a new year. A new year that brings with it a new President, a new Governor, and new leadership in this body.

With change comes hope. Hope that the new direction we have taken will be the right one. Hope that together we can forge, from spirited debate, public policy that will help ensure a bright future for Montana.

It will take bold leadership, on both sides of the aisle, to meet the serious challenges that face us as a state and as a nation.

As John Kennedy said in 1960, "It is time for a new generation of leadership, to cope with new problems and new opportunities. For there is a new world to be won."

There is a new world to be won, and the work must begin today. The challenges we face are foreboding in their scope, and yet splendid in their promise. Over the past decade we have watched America go from the largest creditor nation to the largest debtor nation in the world. Today, some 130,000 Montanans will wake up without adequate health care coverage. The education we provide our children is at risk, and the demand for prudent stewardship of the environment grows more critical with every passing day. Each day we fail to meet these critical challenges head on...we do a disservice to all Montanans.

So let's get on with it. As a former member of this body, I remember fondly my two inaugurals here. As you begin your work today, take a moment to remember this day.....it will be the beginning of a historical and productive session for Montana. Congratulations and good luck.

Secretary of State Cooney then introduced Supreme Court Justice John Harrison who administered the following oath of office:

"I do solemnly swear that I will support, protect, and defend the Constitution of the United States and the Constitution of the State of Montana and that I will discharge the duties of my office as a member of the House of Representatives with fidelity, so help me God."

Secretary of State Cooney informed the members of the House of Representatives that he had been advised that all oaths of office had been signed and received. These were presented to Justice Harrison for his acknowledgment and then filed in Secretary of State Cooney's office.

Secretary of State Cooney called for nominations for Speaker of the House of Representatives.

Representative Grinde nominated Representative John Mercer, District No. 50.

Representative Schye moved Representative Mercer be elected Speaker of the House of Representatives by acclamation. Motion carried.

Secretary of State Cooney declared Representative John Mercer, District No. 50, duly elected as Speaker of the House of Representatives for the 53rd Legislature.

Representatives Grinde and Schye escorted the newly elected Speaker to the rostrum where he was formally introduced by Secretary of State Cooney and presented with the Speaker's gavel.

The Sergeant-at-Arms escorted Secretary of State Cooney, Justice Harrison and Reverend Keys from the House Chamber.

The Speaker introduced his family, then delivered the following address:

**OPENING SESSION REMARKS BY HOUSE SPEAKER JOHN MERCER  
53RD LEGISLATURE, JANUARY 4, 1993**

Today we officially begin the most difficult legislative session in the history of Montana. The problems we face are enormous. The general fund deficit exceeds two hundred million dollars. Workers' Compensation is a nightmare. It has a projected unfunded liability of over four hundred million dollars, a hundred million dollars of which must be paid in cash this biennium. Then, of course, there is school equalization, tax reform and the desire to provide affordable health care for every Montanan.

There are other things we must accomplish as well, but none more important than the following: **We must restore public confidence in the state legislature.**

Public confidence is essential because the Montana House of Representatives belongs not to the Representatives who are seated here today, but to the people they represent. Each Montanan, therefore, has a stake in what we do. If we do not succeed, the people of our state cannot succeed. There is only one way to restore public confidence; we must enact permanent budget and government reforms. Not mere promises, but action. It is my commitment to you here today and to the citizens of Montana, that I will do everything in my power to work with you, the Senate, Governor Racicot, and all other interested parties, to solve our problems despite their enormity and without regard to the political consequences.

HOUSE JOURNAL  
REGULAR SESSION

As we begin our task, I ask that you consider the following guiding principles. First, experience has shown us that **partisan politics accomplishes nothing**. This session, therefore, is not about Republicans or Democrats, but about representatives of the people solving the serious problems confronting our state by cooperating and resolving differences.

Cooperation is not just a word, it is an action. Members of this House, including myself, members of the Senate and Governor Racicot, must resolve all differences through cooperation. That means bending from our positions in pursuit of the common good. The political civil war in this state must end, not by the surrender of either side, but by accommodating all interests with respect for the various philosophies and positions.

Governor Racicot's actions since the election show his keen interest in solving Montana's problems. His appointments have been made based upon competency, not partisanship. He has already opened the channels of communication with the legislature, expressing his willingness to cooperate. The public wants the executive and legislative branches to put political differences aside and join in a united effort to face our problems. I commit myself fully to that effort, and I know Representative Schye is committed as well. I want to thank Ted for his assistance and cooperation in the pre-session work of the House, and I look forward, as we all do, to developing a very productive working relationship in a bipartisan effort to solve Montana's difficulties.

The second guiding principle is that **only permanent solutions should be considered**. The days of one-time quick fixes, band-aids, funding shifts, and postponing problems by mortgaging the future must end. We can never again place a future legislature in the circumstances which we now face.

Third, **we must get to work immediately**. We should determine the extent of our budget deficit right away and put our committees to work on finding a solution. We cannot simply sit back and hope everything will turn out ok and then find ourselves staring at each other on the evening of the 90th day. I am proposing, therefore, that a preliminary budget resolution be passed early in the session so that the entire House can focus immediately on the budget crisis we face.

Finally, **we must limit our legislation**. We are not a factory that is measured by the amount of legislation we pass. Instead we are judged by how well we solve our most difficult problems. We must, therefore, set priorities and focus on our most difficult problems and not allow ourselves to be consumed by a massive volume of bills. In this regard, I am asking each of you to voluntarily limit the number of bills you introduce to no more than 7. Self-discipline is already working; the number of bill draft requests is 350 less than this time last session, a decrease of almost 25 percent. I thank you for your efforts.

With regard to Workers' Compensation and School Funding, I have appointed select committees, not to study these issues but rather to propose solutions. All legislation moving out of these committees will proceed through the appropriate standing committee before reaching the floor.



January 4, 1993

Our budget deficit and tax reform proposals should be handled independent of each other. First, with regard to tax reform, two measures that can be placed on the ballot should be prepared. One with a sales tax, and one without. These proposals should be crafted through bipartisan efforts, and any referendum on tax reform containing a sales tax should not be put out for a vote unless it has bipartisan support. It is a waste of the people's time and money to hold a special election on a sales tax if it lacks bipartisan support. Bipartisan support will require those Democrats and Republicans who have actively supported the sales tax to compromise their positions and reach agreement. Our problems can be solved no other way.

With two tax reform measures on a separate track, it is our additional responsibility to craft a fall-back budget. That is a budget that will balance into the future in the event neither tax reform measure is enacted by the people. Such a budget will no doubt contain drastic spending reductions that will impact every Montana citizen. This fall-back budget should also be constructed in a bipartisan way; again through cooperation, because there is no other way.

Expectations are high; the future is in our hands. We are not professional politicians, but ordinary Montana citizens. In Montana, when there is work to be done, we do it. For my part, I will give it everything I've got. I ask each member to do the same, and ask the public to support us in this most difficult endeavor.

I know of no higher honor, nor greater challenge, than to serve as Speaker of the House during these most difficult times. We must succeed. The future of Montana depends on it.

Fate has brought us together at this most historic session, expectations are high, and we must deliver. We will deliver. We will solve Montana's problems, and we will restore public confidence in the House of Representatives.

Representative Schye addressed the House members.

Representative J. Rice moved the following individuals be nominated as officers of the House of Representatives for the 53rd Legislature.

Speaker Pro Tempore - Representative Marian Hanson  
Chief Clerk - Marilyn Miller  
Sergeant-at-Arms - Kathleen Meadors

Representative Schye moved a unanimous ballot be cast for the previously named members. Motion carried.

Chief Clerk Marilyn Miller announced that the caucuses have elected the following officials:

House Majority Leader - Representative Larry Grinde  
House Minority Leader - Representative Ted Schye  
House Majority Whip - Representative Jim Rice  
House Minority Whip - Representative Bill Strizich

HOUSE JOURNAL  
REGULAR SESSION

Representative Grinde moved that the joint rules of the House of Representatives and the Senate of the 52nd Legislature be the temporary rules of the 53rd Legislature, with the following exception: 60-10. Motion carried.

Representative Grinde moved that the House rules of the 52nd Legislature be the temporary rules of the 53rd Legislature with the following exceptions: H50-150(3), H60-10(2), H60-30. Motion carried.

Representative Grinde moved the Speaker appoint a committee of four members to notify the Governor that the House is now organized and ready to do business. Motion carried.

Mr. Speaker appointed Representatives Wallin, Bardanouve, Peterson and Hansen.

Representative Grinde moved the Speaker appoint a committee of four members to notify the Senate that the House is now organized and ready for business. Motion carried.

Mr. Speaker appointed Representatives Hayne, Menahan, Grady and Squires.

Representative Grinde moved the Speaker appoint a committee of four members to notify the Supreme Court, by letter, that the House is now organized and ready to do business.

Mr. Speaker appointed Representatives M. Hanson, Quilici, Keller and Brooke.

The committees were discharged from the chamber.

Mr. Speaker directed the House to stand at ease to await the report of the Select Committee from the Senate and the three Select Committees of the House.

### REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Hayne, Chairman): 1/4/93  
**HJR 2**, introduced bill, do pass. Report adopted.

Recommend that the following employees be hired by the 53rd Legislature:

#### CHIEF CLERK'S OFFICE AND ROSTRUM STAFF

Chief Clerk - Marilyn Miller  
Assistant Chief Clerk - Louise Sullivan  
Secretary to Chief Clerk - Rose Leavitt  
Permanent Page to Chief Clerk - Stephanie Mattson  
Journal Clerk - Kay Miller  
Assistant Journal Clerk - Robert Klinker  
Bills Clerk - Cathy Kelley  
Assistant Bills Clerk - Andrea Schwenk

Status Input Technician - Elaine Eck  
Bills Coordinator - Todd Olson  
Assistant Bills Coordinator/Reading Clerk - Bruce Hofmann  
Amendments Coordinator - Paul Fossum  
Assistant Amendments Coordinator/Backup Reading Clerk - Shawn  
Sylvester

SERGEANT-AT-ARMS STAFF

Sergeant-at-Arms - Kathy Meadors  
Assistant Sergeant-at-Arms - Laura Grinde (Office Manager and Page  
Supervisor)  
Assistant Sergeant-at-Arms - Mike Sprague (Key Distribution - House  
Maintenance)  
Bills Distribution Clerk - John Kober  
Assistant Bills Distribution Clerk - Don Coburn  
Doorman - Norm Eck  
Honorary Doorman - Jack McCarthy  
Security Guards - Harry Draper, Ben Hainlin, Marc Cramer, Pat Sassano,  
Bo Schuman, Tom Schmitz (as needed)

COMMITTEE SECRETARIES AND WORD PROCESSORS

Word Processing Center Supervisor - Shirley Herrin  
Word Processing Center Assistant Supervisor - Betty Paulsen

Committee Secretaries

Mary Lou Schmitz - Appropriations  
Kimberlee Greenough - Business and Economic Development  
Beth Miksche - Judiciary  
Dorothy Poulsen - State Administration  
Jill Rohyans - Taxation  
Susan Lenard - Education and Cultural Resources  
Claudia Johnson - Highways and Transportation  
Alyce Rice - Human Services and Aging  
Roberta Opel - Natural Resources  
Jaelene Racicot - Agriculture, Livestock, and Irrigation  
Mary Riitano - Fish and Game  
Cherri Schmaus - Labor and Employment Relations  
Pat Bennett - Local Government  
Jacqueline Brehe - Education Subcommittee  
Elaine Benedict - General Government/Highways Subcommittee  
Billie Jean Hill - Human Services Subcommittee  
Judy Murphy - Institution and Cultural Education Subcommittee  
Sandra Boggs - Long-Range Planning Subcommittee  
Theda Rossberg - Natural Resources Subcommittee

Word Processors

Eleanor Boviatsis  
Angela Gleason  
Vicki Nordtvedt



Committee Aides

Louise Fulbright  
Phyllis Lamping  
Bernie Lee  
Betsy Hallowell  
Jennifer Johnson (.50 FTE)

LEADERSHIP STAFF

Secretary to Speaker - Susan Ames  
Secretary to Majority Leader - Jean Roberts  
Secretary to Minority Leader - Jerry Williams  
Aide to Minority Leader - Judy Albright

**REPORTS OF SELECT COMMITTEES**

A committee from the Senate composed of Senators Stang, Forrester and Swysgood was admitted and reported to the House that the Senate was organized and ready for any legislation the House might care to send it.

The committee appointed to notify the Governor that the House is ready for business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Supreme Court that the House is ready for business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Senate that the House is ready for business reported it had done so. The committee was thanked and discharged.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 2**, introduced by Zook (by request of the Office of Budget and Program Planning), referred to Committee on Appropriations

**HB 3**, introduced by Cobb (by request of the Office of Budget and Program Planning), referred to Committee on Appropriations

**HB 4**, introduced by Zook (by request of the Office of Budget and Program Planning), referred to Committee on Appropriations

**HB 5**, introduced by Bergsagel (by request of the Department of Administration), referred to Committee on Appropriations

**HB 6**, introduced by Bardanouve (by request of the Department of Natural Resources and Conservation), referred to Committee on Appropriations

**HB 7**, introduced by Bergsagel (by request of the Department of Natural Resources and Conservation), referred to Committee on Appropriations

**HB 8**, introduced by Gilbert (by request of the Revenue Oversight Committee), referred to Committee on Taxation

**HB 9**, introduced by Bergsagel (by request of the Montana Arts Council), referred to Committee on Appropriations

**HB 10**, introduced by Bergsagel (by request of the Office of Budget and Program Planning), referred to Committee on Appropriations

**HB 11**, introduced by R. Johnson (by request of the Office of Budget and Program Planning, Department of Administration, Superintendent of Public Instruction, and Montana University System), referred to Committee on Appropriations

**HB 12**, introduced by Bardanouve (by request of the Department of Natural Resources and Conservation), referred to Committee on Appropriations

**HB 13**, introduced by Benedict (by request of the Select Committee on Workers' Compensation), referred to Select Committee on Workers' Compensation

**HB 14**, introduced by Toole, referred to Committee on Local Government

**HB 15**, introduced by Pavlovich, referred to Committee on Highways and Transportation

**HB 16**, introduced by Pavlovich, referred to Committee on Appropriations

**HB 17**, introduced by S. Rice (by request of the Department of Commerce), referred to Committee on Highways and Transportation

**HB 18**, introduced by R. Johnson (by request of the Joint Interim Subcommittee on Children and Families), referred to Committee on Human Services and Aging

**HB 19**, introduced by R. Johnson (by request of the Joint Interim Subcommittee on Children and Families), referred to Committee on Human Services and Aging

**HB 20**, introduced by Menahan (by request of the Legislative Council), referred to Committee on State Administration

**HB 21**, introduced by Menahan (by request of the Legislative Council), referred to Committee on Legislative Administration

**HB 22**, introduced by Menahan (by request of the Legislative Council), referred to Committee on State Administration

**HB 23**, introduced by Peck (by request of the Legislative Finance Committee), referred to Committee on Appropriations

**HB 24**, introduced by J. Rice (by request of the Legislative Council), referred to Committee on Judiciary

**HB 25**, introduced by Daily, referred to Committee on Education and Cultural Resources

**HB 26**, introduced by Peck, referred to Committee on Appropriations

**HB 27**, introduced by Squires (by request of the Department of Commerce), referred to Committee on Human Services and Aging

**HB 28**, introduced by Hansen (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 29**, introduced by Brooke, referred to Committee on Business and Economic Development

**HB 30**, introduced by Driscoll (by request of the Environmental Quality Council), referred to Committee on Natural Resources

**HB 31**, introduced by Menahan, referred to Committee on Appropriations

**HB 32**, introduced by DeBruycker, referred to Committee on Highways and Transportation

**HB 33**, introduced by Davis, referred to Committee on Highways and Transportation

**HB 34**, introduced by Davis, referred to Committee on Business and Economic Development

**HB 35**, introduced by D. Brown (by request of the Department of Livestock), referred to Committee on Judiciary

**HB 36**, introduced by Barnett (by request of the Department of Livestock), referred to Committee on Agriculture, Livestock, and Irrigation

**HB 37**, introduced by D. Brown (by request of the Department of Livestock), referred to Committee on Judiciary

**HB 38**, introduced by Bardanouve (by request of the Legislative Finance Committee), referred to Committee on Judiciary

**HB 39**, introduced by Ewer, referred to Committee on Local Government

**HB 40**, introduced by J. Johnson, referred to Committee on Education and Cultural Resources

**HB 41**, introduced by Davis, referred to Committee on Highways and Transportation

**HB 42**, introduced by McCulloch, referred to Committee on Education and Cultural Resources

**HB 43**, introduced by McCulloch, referred to Committee on Education and Cultural Resources

**HB 44**, introduced by Ewer, referred to Committee on Local Government

**HB 45**, introduced by Pavlovich (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 46**, introduced by J. Johnson, referred to Committee on Appropriations

**HB 47**, introduced by Gilbert (by request of the Revenue Oversight Committee), referred to Committee on Taxation

**HB 48**, introduced by Dowell, referred to Committee on Education and Cultural Resources

**HB 49**, introduced by Dolezal (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 50**, introduced by Fagg, referred to Committee on Judiciary

**HB 51**, introduced by R. Johnson (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 52**, introduced by Cobb, referred to Select Committee on School Funding

**HB 53**, introduced by Benedict, referred to Committee on Education and Cultural Resources

**HB 54**, introduced by Ewer, referred to Committee on State Administration

**HB 55**, introduced by Davis (by request of the Teachers' Retirement Board), referred to Committee on State Administration

**HB 56**, introduced by L. Nelson (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 57**, introduced by Pavlovich, referred to Committee on Business and Economic Development

**HB 58**, introduced by Keller, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 59**, introduced by L. Nelson (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 60**, introduced by Peterson (by request of the Department of Administration), referred to Committee on State Administration

**HB 61**, introduced by J. Johnson, referred to Committee on Education and Cultural Resources

**HB 62**, introduced by Keller, referred to Committee on Local Government

**HB 63**, introduced by Keller, referred to Committee on Local Government

**HB 64**, introduced by Grady (by request of the Environmental Quality Council), referred to Committee on Natural Resources



**HB 65**, introduced by Cocchiarella, Bianchi (by request of the Joint Interim Subcommittee on Public Employee Retirement Systems), referred to Committee on State Administration

**HB 66**, introduced by Cocchiarella (by request of the Department of Family Services), referred to Committee on Judiciary

**HB 67**, introduced by Cocchiarella (by request of the Department of Family Services), referred to Committee on Judiciary

**HB 68**, introduced by Fagg, referred to Committee on Judiciary

**HB 69**, introduced by Vogel, referred to Committee on Fish and Game

**HB 70**, introduced by S. Rice (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 71**, introduced by Russell, referred to Committee on State Administration

**HB 72**, introduced by Bird, referred to Committee on Education and Cultural Resources

**HB 73**, introduced by Harrington, referred to Committee on Labor and Employment Relations

**HB 74**, introduced by Wiseman (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 75**, introduced by T. Nelson (by request of the Joint Interim Subcommittee on Mandated Health Insurance Benefits), referred to Committee on Human Services and Aging

**HB 76**, introduced by T. Nelson, referred to Committee on Taxation

**HB 77**, introduced by Bardanouve (by request of the Office of Budget and Program Planning), referred to Committee on Appropriations

**HB 78**, introduced by Davis, referred to Committee on Appropriations

**HB 79**, introduced by Russell, referred to Committee on State Administration

**HB 80**, introduced by McCaffree, referred to Committee on Taxation

**HB 81**, introduced by Bachini, referred to Committee on Judiciary

**HB 82**, introduced by Wiseman (by request of the Board of Outfitters), referred to Committee on Business and Economic Development

**HB 83**, introduced by Daily, referred to Committee on Education and Cultural Resources

**HB 84**, introduced by Fagg, referred to Committee on Natural Resources

**HB 85**, introduced by Bardanouve, referred to Committee on Appropriations

**HB 86**, introduced by M. Hanson, referred to Committee on State Administration

**HB 87**, introduced by Fagg, referred to Committee on Local Government

**HB 88**, introduced by McCaffree, referred to Committee on Local Government

**HB 89**, introduced by Peck, referred to Committee on Education and Cultural Resources

**HB 90**, introduced by Fisher, referred to Committee on Judiciary

**HB 91**, introduced by J. Johnson, referred to Committee on Education and Cultural Resources

**HB 92**, introduced by Tunby (by request of the Committee on Indian Affairs and the Revenue Oversight Committee), referred to Committee on Taxation

**HB 93**, introduced by Ewer (by request of the Department of Administration), referred to Committee on State Administration

**HB 94**, introduced by Harper, referred to Committee on Judiciary

**HB 95**, introduced by Bird, referred to Committee on Appropriations

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**HB 96**, introduced by Ream, referred to Committee on Highways and Transportation

**HB 97**, introduced by Guilici (by request of the Department of Natural Resources and Conservation), referred to Committee on Appropriations

**HB 98**, introduced by Guilici (by request of the Department of Natural Resources and Conservation), referred to Committee on Natural Resources

**HB 99**, introduced by Bardanoue (by request of the Computer Planning Committee), referred to Committee on State Administration

**HB 100**, introduced by Davis, referred to Committee on Highways and Transportation

**HJR 1**, introduced by Fagg, referred to Committee on Judiciary

**HJR 2**, introduced by Hayne (by request of the Joint Legislative Administration Committee), referred to Committee on Legislative Administration

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Tuesday, January 5, 1993. Motion carried.

House adjourned at 12:55 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## SECOND LEGISLATIVE DAY

Helena, Montana  
January 5, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Reverend George Harper. Pledge of Allegiance to the Flag.

Roll call. All members present except Brown, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Simpkins, Chairman):

1/5/93

**HB 22**, introduced bill, do pass. Report adopted.

**HB 60**, introduced bill, do pass. Report adopted.

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 101**, introduced by Kadas, referred to Committee on Highways and Transportation

**HB 102**, introduced by Schye (by request of the Department of Natural Resources and Conservation), referred to Committee on Natural Resources

**HB 103**, introduced by Swanson (by request of the Department of Revenue), referred to Committee on Taxation

**HB 104**, introduced by Rose (by request of the Department of Livestock), referred to Committee on Agriculture, Livestock, and Irrigation

**HB 105**, introduced by Peck, Nathe, J. Johnson, Quilici, referred to Committee on Education and Cultural Resources

**HB 106**, introduced by Peck, Bardanouve, Nathe, J. Johnson, Quilici (by request of the Superintendent of Public Instruction), referred to Committee on Education and Cultural Resources

### SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 56: Pavlovich and Swift.

The following sponsors were added to HB 59: Pavlovich and Swift.

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Wednesday, January 6, 1993. Motion carried.

House adjourned at 1:40 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





### THIRD LEGISLATIVE DAY

Helena, Montana  
January 6, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Barnett. Pledge of Allegiance to the Flag.

Roll call. All members present except Brown, Cobb, Wanzenried, excused. Quorum present.

#### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/6/93  
Correctly printed for second reading: HB 22, HB 60.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 1/6/93

**HB 36**, introduced bill, do pass. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 1/6/93

**HB 34**, introduced bill, do pass. Report adopted.

**HB 28**, introduced bill, be amended as follows:

1. Title, lines 7 through 9.  
Following: ";" on line 7  
Strike: remainder of line 7 through ";" on line 9

2. Title, line 9.  
Strike: "SECTIONS"  
Insert: "SECTION"

3. Title, line 10.  
Strike: "37-40-303, AND 37-40-311,"

4. Page 2, line 5, through page 3, line 24.  
Strike: sections 2 and 3 in their entirety

And, as amended, do pass. Report adopted.

**HB 49**, introduced bill, be amended as follows:

1. Title, lines 6 through 9.  
Following: "TERMS;" on line 6  
Strike: the remainder of line 6 through "SCHOOL;" on line 9

2. Page 5, line 22.  
Following: "or"  
Insert: "have completed 2 years of high school or"

3. Page 5, lines 22 and 23.  
Strike: "a high school diploma or"

4. Page 6, lines 2 through 5.  
Following: "school"  
Strike: the remainder of line 2 through "student," on line 5

5. Page 6, lines 8 through 13.

Following: "board." on line 8

Strike: the remainder of line 8 and lines 9 through 13 in their entirety

6. Page 6, line 19 through page 7, line 5.

Strike: subsections (c)(i) through (c)(iii) in their entirety

7. Page 7, line 9.

Following: "must"

Insert: "have completed 2 years of high school,"

Following: "possess"

Strike: "a high school diploma, an"

Insert: "the"

8. Page 7, line 11.

Following: "or"

Insert: "possess"

And, as amended, do pass. Report adopted.

**HB 74**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/6/93

**HB 54**, introduced bill, do pass. Report adopted.

**HB 55**, introduced bill, do pass. Report adopted.

TAXATION (Gilbert, Chairman):

1/6/93

**HB 80**, introduced bill, do pass. Report adopted.

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 1**, introduced by Zook, referred to Committee on Appropriations

**HB 107**, introduced by Cobb, Keating, Grinde, Kadas, Franklin, Jergeson, Grosfield, Pavlovich (by request of the Legislative Audit Committee), referred to Committee on State Administration

**HB 108**, introduced by Bergsagel, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 109**, introduced by Barnett, Wallin, Brandewie, McCaffree, Hansen, referred to Committee on Local Government

**HB 110**, introduced by Hibbard, Swanson (by request of the Department of Fish, Wildlife, and Parks), referred to Committee on Fish and Game

**HB 111**, introduced by Simpkins (by request of the Office of Budget and Program Planning), referred to Committee on Appropriations



**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Schye in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 22** - Representative Menahan moved HB 22 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Wanzenried, Aye.

Excused: Brown, Cobb.  
Total 2

Absent or not voting: None.  
Total 0

**HB 60** - Representative Peterson moved HB 60 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

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Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Cocchiarella, Driscoll.  
Total 2

Voted Absentee: Wanzenried, Aye.

Excused: Brown, Cobb.  
Total 2

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Schye moved the adoption of the committee report. Report adopted. (94-1)

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 29: Hansen, R. Johnson, Schye, Raney, Squires, Zook, Wyatt, J. Johnson, Blaylock, McClerman, Swanson, Bohlinger.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Thursday, January 7, 1993. Motion carried.

House adjourned at 1:50 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## FOURTH LEGISLATIVE DAY

Helena, Montana  
January 7, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative McCarthy. Pledge of Allegiance to the Flag.

Roll call. All members present except H. S. Hanson, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/7/93  
Correctly printed for second reading: HB 34, HB 36, HB 54, HB 55, HB 74, HB 80.  
Correctly engrossed for third reading: HB 22, HB 60.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 1/6/93

**HB 45**, introduced bill, be amended as follows:

1. Title, line 8.

Following: ";"

Insert: "AND"

2. Title, line 9.

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, lines 18 and 19.

Strike: section 4 in its entirety

And, as amended, do pass. Report adopted.

JUDICIARY (Fagg, Chairman): 1/6/93

**HB 68**, introduced bill, do pass. Report adopted.

**HB 50**, introduced bill, be amended as follows:

1. Page 1, line 9.

Following: "A merchant"

Insert: "who has reason to believe that a person has committed or is in the process of committing the offense of theft"

2. Page 1, line 10.

Strike: "a suspected shoplifter"

Insert: "that person"

3. Page 2, line 14.

Strike: "with malice, either actual or implied, or"

Insert: "in a manner"

4. Page 3, line 14.

Strike: "30"

Insert: "46"

Strike: "11"

Insert: "6"

Strike: "3"



Insert: "5"

5. Page 3, line 15.

Strike: "30, chapter 11, part 3,"

Insert: "46"

And, as amended, do pass. Report adopted.

### **FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 112**, introduced by Ream, Halligan, Lynch, Harrington, referred to Committee on State Administration

**HB 113**, introduced by Simpkins, referred to Committee on Education and Cultural Resources

**HB 114**, introduced by Cobb, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 115**, introduced by T. Nelson, Hager, referred to Committee on Appropriations

**HB 116**, introduced by Schye, referred to Committee on Education and Cultural Resources

**HB 117**, introduced by Kasten, Christiaens (by request of the Department of Corrections and Human Services), referred to Committee on Judiciary

**HB 118**, introduced by Cochiarella (by request of the Department of Family Services), referred to Committee on Human Services and Aging

**HB 119**, introduced by M. Hanson (by request of the Department of Revenue), referred to Committee on Taxation

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gilbert in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 34** - Representative Davis moved HB 34 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell,

Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 36** - Representative Barnett moved HB 36 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 54** - Representative Ewer moved HB 54 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney,

Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Driscoll.  
Total 1

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 55** - Representative Davis moved HB 55 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 74** - Representative Wiseman moved HB 74 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream,



Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Fisher, Gervais, Gilbert, Smith.

Total 4

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 80** - Representative McCaffree moved HB 80, second reading copy, be amended as follows (amendment #1):

1. Title, line 6.

Strike: "CALENDAR"

2. Page 1, line 14.

Strike: "On January 10 and July 10 in each year"

Insert: "Upon receipt of funds"

3. Page 1, line 15.

Following: "revenue"

Insert: "as collected"

4. Page 1, line 17.

Following: "current"

Strike: "calendar"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: H.S. Hanson.

Total 1

Absent or not voting: Bardanouve.

Total 1

Representative McCaffree moved HB 80, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Gilbert moved the adoption of the committee report. Report adopted. (92-1)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 22** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell,

Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 60** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Driscoll.

Total 1

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Friday, January 8, 1993. Motion carried.

House adjourned at 2:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## FIFTH LEGISLATIVE DAY

Helena, Montana  
January 8, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Ellis. Pledge of Allegiance to the Flag.

Roll call. All members present except J. Johnson, McCulloch, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the first and second legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/8/93  
Correctly printed for second reading: HB 1, HB 28, HB 45, HB 49, HB 50, HB 68.  
Correctly engrossed for third reading: HB 34, HB 36, HB 54, HB 55, HB 74, HB 80.

APPROPRIATIONS (Zook, Chairman): 1/7/93  
**HB 1**, introduced bill, do pass. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 1/7/93  
**HB 56**, introduced bill, do pass. Report adopted.

Adverse Committee Report

**HB 51**, do not pass.

JUDICIARY (Fagg, Chairman): 1/7/93  
**HB 66**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 1/7/93  
**HB 20**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "FUNCTIONS;"

Insert: "PROVIDING THAT THE MONTANA HISTORICAL SOCIETY SHALL PROTECT AND PRESERVE PERMANENT ARTWORK IN THE CAPITOL BUILDING; REQUIRING THE LEGISLATIVE COUNCIL TO CONSULT WITH THE HISTORICAL SOCIETY ON THE PLACEMENT OF ARTWORK IN THE CAPITOL BUILDING;"

2. Page 5, lines 7 through 11.

Following: "complex" on line 7

Strike: "and" on line 7 through "legislature" on line 11

3. Page 5, line 12.

Following: line 11

Insert: "(3) The legislative council shall consult with and advise the Montana historical society on the placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the capitol building. An item may not be permanently displayed unless approved by the legislature.

(4) The Montana historical society shall protect and preserve the permanent artwork in the capitol building and request funding for periodic inspection, maintenance, and repair of the artwork from the trust fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and aesthetic projects."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

**HB 65**, introduced bill, be amended as follows:

1. Page 2, line 14.

Following: line 13

Insert: "(c) No more than two members appointed from each house may be public employees aside from their legislative service."

And, as amended, do pass. Report adopted.

#### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/7/93

**SB 1**, introduced by Lynch

**SB 2**, introduced by Fritz

**SB 36**, introduced by Gage

**SB 42**, introduced by Harp

#### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 120**, introduced by Mason, Stanford, Hayne, Keller, Tash, Winslow, referred to Committee on Business and Economic Development

**HB 121**, introduced by Fagg, Harper, Grosfield, Beck (by request of the Water Policy Committee), referred to Committee on Natural Resources

**HB 122**, introduced by Anderson (by request of the Department of Fish, Wildlife, and Parks), referred to Committee on Fish and Game

**HB 123**, introduced by J. Johnson, Kasten, McCaffree, Kadas, McCarthy, Peck, Tunby, Menahan, S. Rice, Bergman, Bachini, Davis, Gervais, Gilbert, Bruski-Maus, Rehbein, referred to Committee on Fish and Game

**HB 124**, introduced by McCaffree, Weeding, J. Johnson, Galvin, referred to Committee on Human Services and Aging

**HB 125**, introduced by Vogel, Swift, Clark, Molnar, referred to Committee on Fish and Game



**HB 126**, introduced by Kadas, B. Brown, Benedict, Eck, referred to Committee on Judiciary

**HB 127**, introduced by Peck, Halligan, referred to Committee on Judiciary

**HB 128**, introduced by D. Brown, Strizich, referred to Committee on Judiciary

### MOTIONS

Representative Grinde moved the rules be suspended to permit placement and consideration of HB 1 on second and third reading this legislative day. Motion carried.

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Cocchiarella in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 28** - Representative Hansen moved HB 28 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.

Total 83

Noes: Bergsagel, DeBruycker, Gilbert, Grinde, McCaffree, Peck, Peterson, Simpkins, Spring, Tunby, Tuss, Vogel, Wallin, Wyatt, Zook.

Total 15

Voted Absentee: J. Johnson, McCulloch, Ayes.

Excused: None.

Total 0

Absent or not voting: Clark, Cobb.

Total 2

**HB 49** - Representative Dolezal moved HB 49 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Barnhart.

Total 1

Voted Absentee: J. Johnson, McCulloch, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 68** - Representative Fagg moved HB 68 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: J. Johnson, McCulloch, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 1** - Representative Zook moved HB 1 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Bachini, Davis, Peck, Wyatt.

Total 4

Voted Absentee: J. Johnson, McCulloch, Ayes.

Excused: None.

Total 0

Absent or not voting: DeBruycker.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Cocchiarella moved the adoption of the committee report. Report adopted. (94-2)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 34** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.



Total 97

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: J. Johnson.

Total 1

Absent or not voting: Mills, Ream.

Total 2

**HB 36** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: J. Johnson.

Total 1

Absent or not voting: None.

Total 0

**HB 54** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford,

Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: J. Johnson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 55** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 96

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: J. Johnson.  
Total 1

Absent or not voting: Hibbard, Smith, Mr. Speaker.  
Total 3

**HB 74** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden,

Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Fisher, Smith.

Total 2

Voted Absentee: McCulloch, Aye.

Excused: J. Johnson.

Total 1

Absent or not voting: None.

Total 0

**HB 1** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman.

Total 93

Noes: Bachini, Peck, Wyatt.

Total 3

Voted Absentee: McCulloch, Aye.

Excused: J. Johnson.

Total 1

Absent or not voting: DeBruycker, Zook, Mr. Speaker.

Total 3

### **SPECIAL ORDERS OF THE DAY**

The following sponsor was added to HB 95: Bergsagel.

### **ANNOUNCEMENTS**

Representative Sayles announced that he is a proud uncle to Jacob Cleighton Brooks, 6 pounds, 7 ounces, born to Scott and Twyla Brooks this morning in Concord, Massachusetts.



Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, January 9, 1993. Motion carried.

House adjourned at 2:12 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## SIXTH LEGISLATIVE DAY

Helena, Montana  
January 9, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Russell. Pledge of Allegiance to the Flag.

Roll call. All members present except Grady, Harrington, Mason, McCulloch, Sayles, Winslow, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the third legislative day, find the same to be correct.

Harriet Hayne, Chairman

Mr. Speaker introduced this week's pages:

Meg E. Ratzburg, Polson (Permanent Page)  
Craig Barnette, Hardin  
Jennell C. Pribul, Great Falls  
Jennifer L. Davies, Polson  
Tricia Clark, Anaconda  
Keith A. Foley, East Helena  
Aaron Miller, Eureka

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/8/93  
Correctly engrossed for third reading: HB 1.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 1/8/93

**HB 59**, introduced bill, be amended as follows:

1. Page 2, line 4.  
Following: "(3)"  
Insert: "(a)"  
Strike: "Prizes"  
Insert: "Except as provided in subsection (3)(b), prizes"

2. Page 2, lines 8 and 9.  
Following: "\$20,000" on line 8  
Strike: remainder of line 8 through "commission" on line 9  
Insert: "of not more than 20 years and in yearly installment payments of not less than \$20,000.

(b) If the commission enters into an agreement under the provisions of 23-7-202(8) to participate in a game for prizes of over \$100,000 that requires payment periods of more than 20 years or yearly installment payments of less than \$20,000 as a condition of participation, the commission may adopt the installment payment amounts and time periods necessary to comply with the conditions of the game"

And, as amended, do pass. Report adopted.



HB 70, introduced bill, be amended as follows:

1. Page 3, line 7.

Insert: "NEW SECTION. Section 2. Coordination instruction. If House Bill No. 17, including provisions authorizing the department of commerce to establish petroleum dealer and liquefied petroleum dealer license fees by rule, is not passed and approved, then [this act] is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 129**, introduced by Wanzenried, Driscoll, Harp, Guilici, Ryan, Squires, Endy, Forrester, referred to Committee on Appropriations

**HB 130**, introduced by Wiseman (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 131**, introduced by Wyatt, Clark, Barnhart, Endy, D. Brown, Harper, Wallin, Yellowtail, Molnar, Eck, Forrester, Nathe, Rye, Peterson, referred to Committee on Appropriations

**HB 132**, introduced by Wyatt, Peck, McCaffree, Endy, Grady, Ream, Brandewie, referred to Committee on Local Government

The following Senate bills were introduced, read first time, and referred to committee:

**SB 1**, introduced by Lynch, referred to Committee on Judiciary

**SB 2**, introduced by Fritz (by request of the Montana Historical Society), referred to Committee on State Administration

**SB 36**, introduced by Gage (by request of the Legislative Council), referred to Committee on State Administration

**SB 42**, introduced by Harp (by request of the Department of Administration), referred to Committee on Judiciary

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, January 11, 1993. Motion carried.

House adjourned at 8:11 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## SEVENTH LEGISLATIVE DAY

Helena, Montana  
January 11, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Orr. Pledge of Allegiance to the Flag.

Roll call. All members present except Russell, Whalen, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fourth, fifth, and sixth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/11/93

Correctly printed for second reading: HB 20, HB 56, HB 59, HB 65, HB 66, HB 70.

Correctly engrossed for third reading: HB 28, HB 49, HB 68.

### ADVERSE COMMITTEE REPORT

**HB 51** - Representative Benedict moved the 1/7/93 adverse committee report on HB 51 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Simpkins, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 70

Noes: Bardanouve, Bohlinger, Clark, DeBruycker, Fagg, Hansen, H.S. Hanson, M. Hanson, Harper, Herron, R. Johnson, Larson, T. Nelson, Peterson, Raney, Ream, Schwinden, Schye, Simon, Squires, Toole, Tunby, Wanzenried, Wyatt.

Total 24

Excused: Russell, Whalen.

Total 2

Absent or not voting: Barnett, Brandewie, Cobb, Smith.

Total 4

APPROPRIATIONS (Zook, Chairman):

1/8/93

**HB 77**, introduced bill, be amended as follows:

1. Page 1, line 12.

Following: "appropriated"

Strike: "\$1,099,500"

Insert: "\$1,159,200"

2. Page 1, line 13.

Following: "justice,"

Strike: "agency"

And, as amended, do pass. Report adopted.

**HB 85**, introduced bill, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

1/11/93

**HB 18**, introduced bill, be amended as follows:

1. Page 5, lines 20 and 21.

Following: "home" on line 20

Strike: the remainder of line 20 through "services" on line 21

Following: "." on line 21

Insert: "This section may not be construed to require a service or a particular level of service or to grant a right of action to enforce this section or other law."

And, as amended, do pass. Report adopted.

**HB 19**, introduced bill, do pass. Report adopted.

JUDICIARY (Fagg, Chairman):

1/8/93

**HB 24**, introduced bill, do pass. Report adopted.

**HB 35**, introduced bill, do pass. Report adopted.

**HB 37**, introduced bill, do pass. Report adopted.

**HB 67**, introduced bill, be amended as follows:

1/11/93

1. Title, lines 7 through 9.

Strike: "PROHIBITING" on line 7 through "INVESTIGATION;" on line 9

2. Title, line 10.

Strike: "40-4-215,"

3. Page 2, line 1 through line 19 of page 3.

Strike: section 2 of the bill in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Hayne, Chairman):

1/11/93

**HB 21**, introduced bill, do pass. Report adopted.

**HJR 2**, introduced bill, do pass. Report adopted.

Representative Russell present at this time.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:



1/9/93

**SB 11**, introduced by Towe  
**SB 14**, introduced by Swift  
**SB 21**, introduced by Towe

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 133**, introduced by Foster, J. Rice, Harper, Grady, Winslow, Grimes, Rea, Koehnke (by request of the Department of Fish, Wildlife, and Parks), referred to Committee on Fish and Game  
**HB 134**, introduced by Peterson, Fisher, Orr, Wagner, Kasten, R. Johnson (by request of the Board of Crime Control), referred to Committee on State Administration  
**HB 135**, introduced by Cobb, referred to Committee on Human Services and Aging  
**HB 136**, introduced by Bohlinger, referred to Committee on Judiciary  
**HB 137**, introduced by Sayles, Cocchiarella, Quilici, Kasten, Anderson, Weldon, Grimes, Dowell, Simon (by request of the Department of Justice), referred to Committee on Local Government  
**HB 138**, introduced by Driscoll, Wyatt, referred to Committee on Labor and Employment Relations  
**HB 139**, introduced by Grinde, referred to Committee on Local Government  
**HB 140**, introduced by Vogel, Stang, Yellowtail, Galvin, Peck, referred to Committee on Highways and Transportation

The following Senate bills were introduced, read first time, and referred to committee:

**SB 11**, introduced by Towe, referred to Committee on Business and Economic Development  
**SB 14**, introduced by Swift, referred to Committee on Judiciary  
**SB 21**, introduced by Towe, referred to Committee on Business and Economic Development

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Keller in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 45** - Representative Pavlovich moved HB 45 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark,

Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Excused: Whalen.

Total 1

Absent or not voting: Brooke.

Total 1

**HB 50** - Representative Fagg moved HB 50, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 9.

Following: "A merchant"

Insert: ", as defined in 30-11-301,"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Galvin, Russell.

Total 2

Excused: Whalen.

Total 1

Absent or not voting: Bergsagel, Strizich, Wanzenried.

Total 3

Representative Fagg moved HB 50, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 75

Noes: Barnhart, Brooke, Brown, Cocchiarella, Dolezal, Dowell, Driscoll, Galvin, Gervais, Hansen, Harrington, Kadas, McCaffree, Menahan, Ream, S. Rice, Russell, Ryan, Schye, Squires, Strizich, Swanson, Tuss, Wyatt.  
Total 24

Excused: Whalen.  
Total 1

Absent or not voting: None.  
Total 0

**HB 56** - Representative L. Nelson moved HB 56, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 14.

Following: "commission."

Insert: "The requirements for this bond must be at least as stringent as those stated in 18-4-312(4)."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Whalen.



Total 1

Absent or not voting: Keller.

Total 1

Representative L. Nelson moved HB 56, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Excused: Whalen.

Total 1

Absent or not voting: Molnar.

Total 1

**HB 66** - Representative Cocchiarella moved HB 66 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Anderson, Bergsagel, Bird, Brown, Cobb, Driscoll, Gilbert, Grinde, Knox, McCaffree, T. Nelson, Peterson, Simpkins, Vogel.

Total 14

Excused: Whalen.

Total 1

Absent or not voting: Benedict.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Keller moved the adoption of the committee report. Report adopted. (91-5)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 28** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 89

Noes: Bergsagel, Clark, DeBruycker, McCaffree, Peterson, Simpkins, Spring, Tunby, Wallin, Wyatt.  
Total 10

Excused: Whalen.  
Total 1

Absent or not voting: None.  
Total 0

**HB 49** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Barnhart, Simpkins.

Total 2

Excused: Whalen.

Total 1

Absent or not voting: None.

Total 0

**HB 68** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Whalen.

Total 1

Absent or not voting: None.

Total 0

**HB 80** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook.

Total 98

Noes: None.

Total 0



Excused: Whalen.  
Total 1

Absent or not voting: Mr. Speaker.  
Total 1

### **MOTIONS**

Representative Kadas moved HB 126 be taken from the Committee on Judiciary and rereferred to the Committee on State Administration. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, January 12, 1993. Motion carried.

House adjourned at 1:35 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## EIGHTH LEGISLATIVE DAY

Helena, Montana  
January 12, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bird. Pledge of Allegiance to the Flag.

Roll call. All members present except Bohlinger, Gervais, Gilbert, excused. Quorum present.

### COMMUNICATIONS AND PETITIONS

Mr. Speaker appointed Representatives Mike Kadas and Ed Grady to the Legislative Finance Committee.

### REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):  
1/11/93

**HB 53**, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "(2)"

Strike: "A"

Insert: "Upon verification by the county clerk and recorder, a"

Following: "qualified to"

Insert: "file for and"

2. Page 1, line 23.

Strike: "teacher"

Insert: ", current class 1 professional certificate, class 2 standard certificate, or class 3 administrative and supervisory"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):  
1/12/93

**HB 17**, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):  
1/11/93

**HB 98**, introduced bill, do pass. Report adopted.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:  
1/11/93

**SB 8**, introduced by Koehnke

**SB 24**, introduced by Blaylock

**SB 31**, introduced by Blaylock

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 141**, introduced by Spring, Aklestad, Davis, Stanford, Grimes, referred to Committee on Education and Cultural Resources

**HB 142**, introduced by Anderson, referred to Committee on Judiciary

**HB 143**, introduced by Swanson, S. Rice, Kadas, Spring, Barnhart, Brooke, Ream, Waterman, referred to Committee on Education and Cultural Resources

**HB 144**, introduced by Stanford, Bartlett, referred to Committee on Human Services and Aging

**HB 145**, introduced by Cobb, referred to Committee on Human Services and Aging

**HB 146**, introduced by Cobb, Zook, Gage, Kasten, referred to Committee on Appropriations

**HB 147**, introduced by Ellis, referred to Committee on Business and Economic Development

**HB 148**, introduced by Ellis (by request of the Board of Chiropractors), referred to Committee on Business and Economic Development

**HB 149**, introduced by Larson, Whalen, Stang, Knox, Ream, M. Hanson, Mason, Bachini (by request of the Department of Transportation), referred to Committee on Taxation

**HB 150**, introduced by Sayles, Ewer, Peterson, Rehbein, Stanford, Hibbard, Whalen (by request of the Department of State Lands), referred to Committee on Natural Resources

**HB 151**, introduced by Vogel (by request of the Department of Justice), referred to Committee on Judiciary

**HB 152**, introduced by Galvin, Vogel, Peck, Harper, referred to Committee on Highways and Transportation

The following Senate bills were introduced, read first time, and referred to committee:

**SB 8**, introduced by Koehnke, referred to Committee on Local Government

**SB 24**, introduced by Blaylock, referred to Committee on Judiciary

**SB 31**, introduced by Blaylock (by request of the Joint Interim Subcommittee on School Funding), referred to Select Committee on Education and Cultural Resources

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Dowell in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 19** - Representative R. Johnson moved HB 19 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Fagg, Fisher, Galvin, Grady, Grimes, Hansen, M. Hanson, J. Johnson, R. Johnson, Mason, McCarthy,



McCulloch, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 61

Noes: Bachini, Barnett, Bergsagel, Bird, DeBruycker, Elliott, Ellis, Ewer, Feland, Foster, Grinde, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Kadas, Kasten, Keller, Knox, Larson, McCaffree, Menahan, Mills, Molnar, L. Nelson, Peck, Peterson, Rehbein, J. Rice, Schwinden, Smith, Spring, Toole, Wallin, Wanzenried.

Total 37

Voted Absentee: Bohlinger, Aye.

Excused: Gervais, Gilbert.

Total 2

Absent or not voting: None.

Total 0

**HB 20** - Representative Menahan moved HB 20 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Bohlinger, Gervais, Gilbert.

Total 3

Absent or not voting: None.

Total 0

**HB 21** - Representative Menahan moved HB 21 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott,

Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Bohlinger, Gervais, Gilbert.

Total 3

Absent or not voting: Cobb.

Total 1

**HB 24** - Representative J. Rice moved HB 24 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Bohlinger, Gervais, Gilbert.

Total 3

Absent or not voting: None.

Total 0

**HB 35** - Representative Brown moved HB 35 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady,

January 12, 1993

Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Kadas.

Total 1

Excused: Bohlinger, Gervais, Gilbert.

Total 3

Absent or not voting: None.

Total 0

**HB 37** - Representative Brown moved HB 37 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Barnett, Herron, Molnar, T. Nelson, Wallin.

Total 5

Excused: Bohlinger, Gervais, Gilbert.

Total 3

Absent or not voting: None.

Total 0

**HB 65** - Representative Cocchiarella moved HB 65 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Boharski, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Grady, Grinde, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Keller, Mason, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Peck,

Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 75

Noes: Bachini, Barnett, Bird, Brooke, DeBruycker, Feland, Foster, Grimes, Hansen, H.S. Hanson, Harper, Kadas, Kasten, Knox, Larson, McCaffree, Mills, Molnar, J. Rice, Spring.  
Total 20

Excused: Bohlinger, Gervais, Gilbert.  
Total 3

Absent or not voting: Bergsagel, J. Johnson.  
Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Dowell moved the adoption of the committee report. Report adopted. (93-2)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 45** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Bohlinger, Gervais, Gilbert.  
Total 3

Absent or not voting: None.  
Total 0



**HB 66** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Anderson, Bergsagel, Bird, Brown, Grinde, Knox, McCaffree, T. Nelson, Peterson, Simpkins, Vogel, Wagner, Whalen.

Total 13

Excused: Bohlinger, Gervais, Gilbert.

Total 3

Absent or not voting: Toole.

Total 1

### **MOTIONS**

Representative Grady moved HB 19 be taken from the Committee on Human Services and Aging and HB 65 be taken from the Committee on State Administration and that both bills be rereferred to the Committee on Appropriations. Motion carried.

### **SPECIAL ORDERS OF THE DAY**

The following sponsor was added to HB 72: Towe.

The following sponsors were added to HB 81: Vogel, Harding.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Wednesday, January 13, 1993. Motion carried.

House adjourned at 1:59 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## NINTH LEGISLATIVE DAY

Helena, Montana  
January 13, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Peterson. Pledge of Allegiance to the Flag.

Roll call. All members present except Bohlinger, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the seventh legislative day, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/13/93  
Correctly printed for second reading: HB 17, HB 18, HB 53, HB 67, HB 77, HB 98, HJR 2.  
Correctly engrossed for third reading: HB 19, HB 20, HB 21, HB 24, HB 35, HB 37, HB 45, HB 50, HB 56, HB 65, HB 66.

LOCAL GOVERNMENT (Wallin, Chairman): 1/13/93  
**HB 63**, introduced bill, be amended as follows:

1. Page 2, line 2.  
Following: "organization,"  
Insert: "as defined in 23-5-112,"

And, as amended, do pass. Report adopted.

**HB 88**, introduced bill, be amended as follows:

1. Title, line 5.  
Following: "PROPERTY;"  
Insert: "PROVIDING FOR THE DISTRIBUTION OF MONEY COLLECTED FROM THE SALE; ALLOWING COUNTY COMMISSION TO CANCEL ANY PERSONAL PROPERTY TAXES, INCLUDING INTEREST, PENALTY, COSTS, AND CHARGES THAT REMAIN UNSATISFIED AFTER SALE OF THE PERSONAL PROPERTY;"

2. Page 2, line 12.  
Following: "(6)(a)"  
Strike: the rest of line 12 through line 15  
Insert: "After sale of the property, the proceeds of the sale must be used first to reimburse the county for all costs and charges incurred in seizing the property and conducting the sale. Any excess, up to the total amount of the taxes owed, must be distributed proportionally to the funds that would have received the taxes if they had been paid before becoming delinquent. Any remaining excess, up to the amount of the penalty and interest owed, must then be distributed proportionally to the fund that would have received the penalty and interest if they had been paid in full."

3. Page 3.

Following: line 8

Insert: "(9) The county commission, in its discretion, may cancel any personal property taxes, including penalty, interest, costs, and charges that remain unsatisfied after the property upon which the taxes were assessed had been seized and sold. If the taxes are canceled, one copy of the order of cancellation must be filed with the county clerk and one copy with the county treasurer."

And, as amended, do pass. Report adopted.

**HB 44**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/12/93

**HB 86**, introduced bill, be amended as follows:

1. Title, line 10.

Following: line 9

Strike: "DECERTIFY AND"

2. Title, lines 12 and 13.

Following: "RESIDENCE;" on line 12

Strike: "EXCEPTING" on line 12 through "NOMINATION;" on line 13

3. Title, line 14.

Following: "13-10-208,"

Strike: "13-10-325,"

4. Page 4, line 21.

Following: "state"

Insert: "on a form prescribed by the secretary of state"

5. Page 5, line 25.

Following: "state shall"

Strike: "decertify the candidate and shall"

6. Page 6, line 2.

Following: "withdraw"

Insert: "as provided in 13-10-325"

7. Page 6, lines 3 through 17.

Following: line 2

Strike: section 4 in its entirety

Renumber: subsequent section

8. Page 7, line 12.

Following: "state shall"

Strike: "decertify the candidate and shall"

9. Page 7, line 14.

Following: "withdraw"

Insert: "as provided in 13-10-325"



And, as amended, do pass. Report adopted.

**HB 93**, introduced bill, do pass. Report adopted.

### MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

1/12/93

**SB 30**, introduced by Aklestad

House bill concurred in and returned to the House:

1/12/93

**HB 1**, introduced by Zook

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 153**, introduced by Bardanoue, Nathe, Jergeson, Cobb (by request of the Legislative Audit Committee), referred to Committee on State Administration

**HB 154**, introduced by Whalen, referred to Committee on Taxation

**HB 155**, introduced by Pavlovich, Christiaens, Driscoll, Grady, referred to Committee on Business and Economic Development

**HB 156**, introduced by Kadas, Harper, Dowell, referred to Committee on Local Government

**HB 157**, introduced by Vogel, Towe, Clark, J. Johnson, Yellowtail, referred to Committee on Judiciary

**HB 158**, introduced by Kadas, Harper, S. Rice (by request of the Alternative Health Care Board), referred to Committee on Human Services and Aging

**HB 159**, introduced by Pavlovich, Halligan, Daily, J. Johnson, Endy, Gervais, D. Brown, Lynch, Pipinich, Larson, Menahan, Harrington, Driscoll, McCarthy, Quilici, Harp, Nathe, Tveit, Grady, Devlin, referred to Committee on State Administration

**HB 160**, introduced by DeBruycker, referred to Committee on Taxation

**HB 161**, introduced by Mason (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 162**, introduced by Gervais, Bachini, Schye, Ryan, J. Johnson, Peterson, referred to Committee on State Administration

**HB 163**, introduced by Herron, Brandewie, Wanzenried, Harp, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 164**, introduced by Larson (by request of the Public Service Commission), referred to Committee on Natural Resources

**HB 165**, introduced by Larson, Beck, Smith, Bird, McCaffree, Stanford, Davis, referred to Committee on Business and Economic Development

**HB 166**, introduced by Spring, referred to Committee on State Administration

**HB 167**, introduced by Brandewie, Harp, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 168**, introduced by Rehbein (by request of the Department of Family Services), referred to Committee on Human Services and Aging

**HB 169**, introduced by Ewer, Wyatt, Wallin, Kennedy, referred to Committee on Local Government

The following Senate bill was introduced, read first time, and referred to committee:

**SB 30**, introduced by Aklestad, referred to Committee on Agriculture, Livestock, and Irrigation

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative M. Hanson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 85** - Representative Bardanouve moved HB 85 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Gilbert.

Total 1

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HJR 2** - Representative Hayne moved HJR 2 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes,

Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: DeBruycker, Feland, Molnar.  
Total 3

Excused: Bohlinger.  
Total 1

Absent or not voting: None.  
Total 0

**HB 18** - Representative R. Johnson moved HB 18 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Barnett, Bergsagel, Bird, DeBruycker, Feland, Foster, Gilbert, Grinde, Hayne, Kasten, Keller, Larson, Orr, Peterson, Rehbein, Rose, Spring, Winslow.  
Total 18

Voted Absentee: Bohlinger, Aye.

Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

**HB 59** - Representative L. Nelson moved HB 59 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer,

Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 91

Noes: Bergsagel, Bird, Boharski, Gilbert, Grinde, T. Nelson, Vogel, Mr. Speaker.

Total 8

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HB 67** - Representative Cocchiarella moved HB 67 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HB 70** - Representative S. Rice moved consideration of HB 70 be passed for the day. Motion carried.



**HB 77** - Representative Bardanouve moved HB 77 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnhart, Bergman, Bird, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Elliott, Endy, Ewer, Fagg, Fisher, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peterson, Quilici, Ream, J. Rice, S. Rice, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Bachini, Barnett, Benedict, Bergsagel, Boharski, Brown, Cobb, DeBruycker, Dowell, Driscoll, Ellis, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Herron, Kasten, Larson, McCaffree, Molnar, T. Nelson, Orr, Peck, Raney, Rehbein, Rose, Russell, Simon, Simpkins, Smith, Spring, Stovall, Vogel, Whalen, Wyatt.

Total 38

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman M. Hanson moved the adoption of the committee report. Report adopted. (81-17)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 20** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HB 21** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bohlinger.

Total 1

Absent or not voting: Bachini.

Total 1

**HB 24** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bohlinger.

Total 1

Absent or not voting: Smith.

Total 1

**HB 35** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Excused: Bohlinger.

Total 1

Absent or not voting: Simpkins.

Total 1

**HB 37** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Barnett, Driscoll, Gervais, Herron, Molnar, T. Nelson, Rehbein, Wallin, Winslow.

Total 9

Excused: Bohlinger.

Total 1

Absent or not voting: Hansen, Keller, Swanson.

Total 3

**HB 50** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Barnhart, Bird, Brooke, Cocchiarella, Dolezal, Dowell, Driscoll, Galvin, Gervais, Gilbert, Grinde, Hansen, Larson, McCaffree, Ream, S. Rice, Russell, Ryan, Squires, Swanson, Tuss, Wanzenried, Wyatt.

Total 23

Excused: Bohlinger.

Total 1

Absent or not voting: Molnar.

Total 1

**HB 56** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Bohlinger.

Total 1



Absent or not voting: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 1/13/93  
Correctly enrolled: HB 1.  
Examined by the sponsor and found to be correct:  
HB 1 - Zook.  
Signed by the Speaker at 2:00 p.m., 1/13/93: HB 1.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Thursday, January 14, 1993. Motion carried.

House adjourned at 2:30 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## TENTH LEGISLATIVE DAY

Helena, Montana  
January 14, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Endy. Pledge of Allegiance to the Flag.

Roll call. All members present except Bohlinger, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighth and ninth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/13/93  
Correctly printed for second reading: HB 21, HB 24, HB 35, HB 37.  
Correctly printed for second reading: HB 19, HB 85, HJR 2. 1/12/93  
Delivered to the Governor for his approval at 3:00 p.m., 1/13/93: HB 1.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 1/13/93

**HB 58**, introduced bill, be amended as follows:

1. Title, line 5.  
Following: "LIVESTOCK;"  
Insert: "PROVIDING A PENALTY;"
2. Page 1, line 11.  
Following: "(1)"  
Insert: "As used in this section, "harasses" means worries, chases, or runs after livestock in a manner that may lead to subsequent injury to the livestock. (2)"
3. Page 1, line 17.  
Strike: "any person"  
Insert: "the owner of the livestock or an agent or employee of the owner"
4. Page 1, line 19.  
Following: "owner"  
Insert: "of the dog"
5. Page 1, line 23.  
Strike: "(2)"  
Insert: "(3)"
6. Page 1, line 24.  
Strike: "acting"  
Insert: "herding livestock"
7. Page 2.  
Following: line 1  
Insert: "NEW SECTION. Section 2. Penalty. The owner of a dog that harasses, kills, wounds, or injures livestock is guilty of a

misdemeanor and upon conviction shall be fined not more than \$500."

And, as amended, do pass. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

1/14/93

**HB 120**, introduced bill, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):

1/14/93

**HB 96**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "ALLOWING"

Insert: "HOLDERS OF "PRISONER OF WAR" AND "SURVIVOR OF PEARL HARBOR" SPECIAL LICENSE PLATES AND"

2. Page 8, line 23.

Following: "issued"

Strike: "a"

Following: "license"

Strike: "plate"

Insert: "plates, numbered in sets of two with a different number on each set,"

3. Page 9, lines 7 and 8.

Following: "plates," on line 7

Strike: "for one motor vehicle only"

Insert: "numbered in sets of two with a different number on each set"

4. Page 13, lines 5 and 6.

Following: "length." on line 5

Strike: "For number plates issued after 1976, the"

Insert: "The"

5. Page 13, line 9.

Strike: "bottom of the"

6. Page 13, lines 16 and 17.

Following: "numbers" on line 16

Strike: "and be numbered consecutively for each series of plates"

7. Page 14, line 3.

Following: "markings"

Insert: "provided"

Following: "section"

Strike: "provided"

8. Page 19, line 5.

Following: "issued"

Strike: "a"

Following: "license"

Strike: "plate"



Insert: "plates, numbered in sets of two with a different number on each set,"

9. Page 19, lines 14 and 15.

Following: "plates," on line 14

Strike: "for one motor vehicle only"

Insert: "numbered in sets of two with a different number on each set"

And, as amended, do pass. Report adopted.

**HB 101**, introduced bill, do pass and be placed on the consent calendar.  
Report adopted.

JUDICIARY (Fagg, Chairman):

1/13/93

**HB 117**, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "ALLEGED VIOLATION"

Insert: "REPORT OF THE INCIDENT"

2. Title, lines 10 and 11.

Strike: "SUPERINTENDENT" on line 10 through "FACILITY" on line 11

Insert: "DIRECTOR OF THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES"

3. Page 2, line 1.

Strike: "superintendent"

Insert: "director of the department of corrections and human services"

And, as amended, do pass. Report adopted.

**SB 42**, third reading copy, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/14/93

**HB 84**, introduced bill, be amended as follows:

1. Page 1, line 3.

Insert: "By Request of the Water Policy Committee"

2. Title, line 6.

Following: "COMPLAINTS;"

Insert: "CHANGING THE TERM "HIGH-HAZARD DAM" TO "CLASS 2 DAM";"

3. Page 9, line 1.

Insert: "NEW SECTION. Section 10. Name change -- directions to code commissioner. Wherever the name "high-hazard dam", meaning a dam that meets the requirements of 85-15-106, appears in the Montana Code Annotated or in legislation enacted by the 1993 legislature, the code commissioner is directed to change the name to "class 2 dam"."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

TAXATION (Gilbert, Chairman):

1/14/93

**HB 8**, introduced bill, be amended as follows:

1. Page 3, line 18.

Strike: "Except for the purpose of determining"

Insert: "To determine"

2. Page 3, lines 19 through 21.

Following: "chapter," on line 19

Insert: "state levies applicable to"

Strike: "are" on line 19 through "including" on line 21

Insert: "include"

Following: "but" on line 21

Insert: "are"

3. Page 3, lines 23 and 24.

Strike: "; and" on line 23 through "levies" on line 24

4. Page 3.

Following: line 24

Insert: "(6) All taxes and fees collected on motor vehicle fleets under this chapter must be deposited and distributed as provided in 15-24-105."

And, as amended, do pass. Report adopted.

**HB 47**, introduced bill, do pass. Report adopted.

**HB 103**, introduced bill, do pass. Report adopted.

**HB 119**, introduced bill, be amended as follows:

1. Page 1, line 19.

Strike: "state treasurer"

Insert: "department"

2. Page 3, line 1.

Strike: "state treasurer"

Insert: "department"

And, as amended, do pass. Report adopted.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/13/93

**SB 66**, introduced by Grosfield

**SB 88**, introduced by Beck

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

January 14, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 1 on January 14, 1993.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 170**, introduced by Gilbert, referred to Committee on Business and Economic Development

**HB 171**, introduced by M. Hanson, Rehbein, Devlin (by request of the Department of State Lands), referred to Committee on Natural Resources

**HB 172**, introduced by Wanzenried, Harp, Orr, Gilbert, Vaughn, referred to Committee on Highways and Transportation

**HB 173**, introduced by Kadas (by request of the Office of Public Instruction), referred to Committee on Education and Cultural Resources

**HB 174**, introduced by Clark, Feland, Vogel, Driscoll, Molnar, Cocchiarella, referred to Committee on Labor and Employment Relations

**HB 175**, introduced by J. Johnson, Peck, Bachini, L. Nelson, Gilbert, Tunby, R. Johnson, referred to Committee on Business and Economic Development

**HB 176**, introduced by Grinde, Driscoll, Harper, Mercer, Forrester, referred to Committee on State Administration

**HB 177**, introduced by Bird, Towe, Blaylock, Vogel, McCaffree, Simpkins, Spring, Kasten, Mason, Feland, Molnar, Dowell, Raney, Ewer, Waterman, referred to Committee on Education and Cultural Resources

**HB 178**, introduced by Mason, referred to Committee on Business and Economic Development

**HB 179**, introduced by Ryan, Wiseman, Galvin, Strizich, Simpkins, S. Rice, referred to Committee on State Administration

**HB 180**, introduced by Anderson (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**HB 181**, introduced by Barnett, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 182**, introduced by Bachini, Christiaens, Benedict, Peck, referred to Committee on Business and Economic Development

**HB 183**, introduced by Endy, Dolezal, Ryan, Galvin, McCarthy, S. Rice, Larson, Harper, Whalen, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 184**, introduced by T. Nelson (by request of the Department of Revenue), referred to Committee on Taxation

**HB 185**, introduced by Whalen, referred to Committee on Local Government

**HB 186**, introduced by McCaffree, Beck, Forrester, referred to Committee on Taxation

**HR 1**, introduced by Grinde, Schye, D. Brown (by request of the House Rules Committee), referred to Committee on Rules

The following Senate bills were introduced, read first time, and referred to committee:

**SB 66**, introduced by Grosfield (by request of the Legislative Audit Committee), referred to Committee on State Administration

**SB 88**, introduced by Beck, Grady (by request of the Department of Corrections and Human Services), referred to Committee on Agriculture, Livestock, and Irrigation

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative S. Rice in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 17** - Representative Schye moved consideration of HB 17 be passed for the day. Motion carried.

**HB 53** - Representative Benedict moved HB 53 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker:  
Total 97

Noes: Boharski.  
Total 1

Excused: Bohlinger.  
Total 1



January 14, 1993

Absent or not voting: Fisher.

Total 1

**HB 98** - Representative Guilici moved HB 98 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman S. Rice moved the adoption of the committee report. Report adopted. (97-0)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 85** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Gilbert.

Total 1

Excused: Bohlinger.

Total 1

Absent or not voting: Grinde.

Total 1

**HJR 2** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, DeBruycker, Feland, Molnar, Peck.

Total 5

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HB 18** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Boharski, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Barnett, Bergsagel, Bird, Clark, DeBruycker, Feland, Foster, Gilbert, Grinde, Hayne, Hibbard, Kasten, Keller, Larson, Orr, Peterson, Rehbein, Spring.

Total 18

Excused: Bohlinger.

Total 1

Absent or not voting: Winslow.

Total 1

**HB 59** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 91

Noes: Bardanouve, Bergsagel, Boharski, Gilbert, Grinde, T. Nelson, Spring, Mr. Speaker.

Total 8

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

**HB 67** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Bohlinger.

Total 1

Absent or not voting: Swanson.

Total 1

**HB 77** passed as follows:

Ayes: Anderson, Bardanouve, Barnhart, Bergman, Bird, Brandewie, Brooke, Clark, Cocchiarella, Daily, Dolezal, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Bachini, Barnett, Benedict, Bergsagel, Boharski, Brown, Cobb, Davis, DeBruycker, Dowell, Driscoll, Ellis, Feland, Foster, Gervais, Grinde, M. Hanson, Kasten, Larson, McCaffree, Molnar, T. Nelson, Orr, Peck, Rehbein, Russell, Simon, Simpkins, Smith, Spring, Stovall, Wagner, Wanzenried, Whalen, Wyatt.

Total 35

Excused: Bohlinger.

Total 1

Absent or not voting: None.

Total 0

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 5:45 p.m. Motion carried.

House recessed at 1:50 p.m.

House reconvened at 5:45 p.m. Mr. Speaker in the chair.

### **SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Meadors escorted the Senate into the House Chamber.

Mr. Speaker introduced President Van Valkenburg and yielded the Chair to him.

Senator Jergeson moved the body resolve itself into a joint session for the purpose of receiving the State of the State Address from the Honorable Marc Racicot, Governor of the State of Montana. Motion carried.



Senator Jergeson moved President Van Valkenburg be authorized to appoint a committee of four to notify the Governor that we are in joint session and ready to receive his State of the State Address. Motion carried.

President Van Valkenburg appointed Senators Lynch and Brown and Representatives Bergman and Bardanouve and discharged them to escort the Governor to the House Chamber.

Sergeant-at-Arms Meadors escorted members of the Governor's official party into the House Chamber.

Captain Kevin Collins and members of the Montana National Guard posted the colors.

Governor Marc Racicot was escorted to the rostrum by the escort committee.

Reverend Gayle Sandholm gave the Invocation. The Pledge of Allegiance to the Flag followed.

After being presented to the members of both houses by President Van Valkenburg, Governor Racicot delivered the following address:

**GOVERNOR MARC RACICOT'S  
STATE OF THE STATE ADDRESS  
TO THE 53RD LEGISLATIVE ASSEMBLY  
JANUARY 14, 1993 -- 6:00 P.M.**

Mr. President, Mr. Speaker, members of the Fifty-Third Legislature, my fellow elected officers of the executive branch, Honorable Justices of the Supreme Court, leaders of Montana's Indian Nations, distinguished guests, my family and my fellow Montanans.

I am honored and grateful for the opportunity to come to this historic chamber and address this distinguished body.

Traveling and listening for the past year throughout Montana has allowed me a unique opportunity to learn more than I ever have before. I have never learned more in such a short period of time. Seeking and assuming this office has been both a privilege and a humbling experience and that's the way it should be. I stand before you profoundly aware of the expectations of the people I serve and fully intend to fulfill them.

Sixty years ago, in January of 1933, the depth of the Great Depression, Governor John Erickson appeared at this rostrum. In his State of the State message to the Twenty-Third Legislature, he made one statement which I believe is even truer today than it was then. Governor Erickson said, "Never was there a time when there was greater need of sympathetic and unselfish cooperation between the Legislative and Executive branches of our government than now."

Each of us is here today because we care deeply about Montana. I expect we may have the opportunity to disagree in the coming days, but let no one

question our common dedication to the well-being of this state and its people, now and in the future.

Since I have begun my remarks by invoking the words of the late Governor Erickson and in the spirit of candor which I hope will characterize all of our conversations, I must tell you the rest of the story. On March 13, 1933, 66 days after taking the oath of office, Governor Erickson resigned. Don't get your hopes up, however, because I can assure you that history will not repeat itself in that respect.

We're at a crossroads in our history. We face massive deficits in the state's general fund and in the workers' compensation fund. It is our sworn duty to erase those deficits, and that task must have our highest priority. I have been, and will continue to announce specific ways to address those deficits. But we also face another problem of even greater proportion. An ever-increasing number of our citizens question our ability to govern responsibly. The term limitation initiative is clear evidence of that distrust.

The people of Montana, although patient, are tired of the inability of their elected representatives to collaboratively address the problems that undermine the common good. Montanans yearn for and demand that we reject the low-down deals of partisan politics in favor of the lofty ideals of unselfish public service. I challenge this Legislature and my co-workers in this administration to join me and work together to restore the confidence of Montanans in their government. We have a collective responsibility to make the system work for Montana. It will take patience, persistence, respect for one another and the rejection of malice at every opportunity.

As Governor Joseph Dixon, upon his election in 1921, said: "Failure to accomplish results cannot now be shifted upon shoulders other than our own."

Let me assure you that although we may face a revenue shortfall, I am convinced there is no deficiency of leadership ability in this room tonight. Let me also make this pledge: I shall begin every activity with a presumption that each of you, Republican or Democrat, is moved by the same force that has driven me to this venue - an intense desire to be of service to those you know as neighbors in a place you call home.

For my part, I will not seek political advantage in our dealings. I want only the ability to do something for the State of Montana. It is my firm belief that if we do what's right, consequences will take care of themselves.

Permit me, if you will, a brief personal story that conveys my feelings in that regard. I come from partisan stock and have, in the past, been accused of being both too partisan and not partisan enough. My father, God bless him, was born the son of a logging camp cook in northwestern Montana. He was a child of the Depression, and hard work and hard times profoundly shaped his view of the world. Years ago, before he died, I can remember him saying, "I never did vote for a Republican, or have much else to do with them either." But those times are gone, we simply must have something to do with one another now.

So, I have but one request as we proceed. If your motive is to resolve the problems that confront us with fairness and honest purpose, then I will join you and be judged on the results. If you are moved by other desires, however, then don't be insulted if we pass you by. There is simply too much to be done and so little time in which to do it.

A priority of my administration, and a first step toward restoring the confidence of the people we serve, is to assure that they receive full value for every dollar they presently invest in their government. The budget I have already proposed reflects that understanding. We are now considering, with this Legislature, the largest cut in state government spending in Montana's history - eighty million dollars over the next two years.

We face a genuine long-term economic crisis that has been unfolding for twenty years. Since the downturn in the energy and related industries began in the late 1970's, and coupled with the inflation of the 1980's, Montana state government has basically "survived" from biennium to biennium, rather than systematically preparing itself for the future. Montana's challenge is to craft a new governing agenda for our second century by getting back to basics and returning to the principles embodied in the "Four R's of Reform": restraining spending, reinventing government, reshaping our tax system and reinvigorating our economy.

To accomplish this renaissance, to be where Montana should be by the year 2000, I am asking you to put into place bold, comprehensive initiatives. They involve difficult choices and will take courage and faith in each other to accomplish.

Because we are a people who tend to fix our gaze not on what has been done, but on what has been left undone, we have been perhaps too easily persuaded to expand the role of government in our lives.

The 1990 census shows that our population grew just 1.6 percent since 1980 - a gain of 12,375 people. Your fiscal analyst's historical revenue and expenditure report for fiscal years 1979 through 1991 indicates that our expenditure growth was far more robust. In 1990 our general fund expenditures were nearly one hundred and ninety million dollars more than they were in 1980 - an increase adjusted for inflation of over twenty-two percent. Over the last decade government has grown 15 times larger than our population growth. During the same period, our expenditures for higher education saw an inflation adjusted growth of over thirty-three percent.

I trust you will agree that our present financial difficulties are not the result of our spending too little.

As you examined the budget I submitted to you earlier this month, you no doubt have noted that although it proposes substantial reductions in our spending, those reductions are not achieved by a uniform cut in all programs regardless of their importance to our mission.

This has been a painful process for me as it will be for you. You will discover, as I have, that the numbers we deal with are not dry and impersonal. They have faces and stories which are often compelling.



Because of the magnitude of the financial challenge before us we will have to make some very difficult decisions in the days ahead - decisions that in better times we may not be forced to make. But our wallet is thin and our credit exhausted. We can presently afford only the essentials.

There are other faces which are not so visible as those lurking behind the numbers in your budget books. And other stories not so loud. They are the faces and stories of the 306,919 individual households in Montana.

Our average household income is \$28,773 per year, but half of our households have an income of less than \$23,000 per year. Working men and women who need decent jobs live in these households with their children who need a quality education to compete and succeed as adults.

We will have done them no favor if we fail to correct the problems which drive businesses and the jobs they provide outside our borders. Their children will not be helped if we must pay their teachers with registered warrants.

The future will be bleak for all of us if we do not pay our debts and set our house in order. Priorities must be reordered and funds redirected if we are to accomplish that. Progress will not come easily and it will require the shared sacrifice of all of us. But it must begin today and we must do it.

I have had the privilege and pleasure of working in state government for a long time. I can report that with rare exception the people of Montana are served remarkably well by my co-workers. This administration will place a strong emphasis on providing good customer service to those we serve. To do that I ask you to provide us with more flexibility and to remove archaic budget restrictions that stifle effective management and destroy initiative. Proposals like that to be offered by Representative Sheila Rice accomplish those goals.

Reinventing and rightsizing our government must be the product of careful program review. The results of that process will be agencies that are streamlined, efficient and effective. Some will be eliminated, some will be downsized, and some will be reshaped to meet existing needs and expectations.

Take human services for instance. During the next four years, one of the most important investments we will make will be the dollars we spend on Montana's families through our human services programs.

Montanans' inherent love of family and desire for self-sufficiency will be the foundation on which we build our human services system. The return on this investment will be a stronger, more productive work force and a more stable environment for our children to grow.

As the agencies of state government become better managers of our human services system, dollars once spent on "welfare" will be spent on self-sufficiency, dollars spent on families that have fallen apart will be spent keeping them together. While it may not be possible to provide new funds for these problems, managers who retrieve resources through better



management will be allowed to reinvest those resources in services which keep families together and individuals self-sufficient.

Many activities currently in place would be eligible for additional funds if documentation, planning and coordination were improved. Human service departments and local providers, in cooperation with the federal government, have begun the process of identifying specific activities, such as protective services, therapeutic foster care and home-based therapy, eligible for federal funds. The general funds replaced by these federal funds can then be used to break the cycle that has so many children in the custody of the state.

Those people who enter into this partnership with Montana's human service system will find a comprehensive, "seamless" system which provides assistance for the family based on their needs instead of the needs of individual agencies.

Services such as child care, job training, energy assistance, family support and case management are all tools which can make the difference between dependence or independence.

These tools together with compassion and common sense, which comprise a great Montana natural resource, will form the foundation of a better human service system for the future.

Reinventing government also involves rethinking and reshaping the concept of service. I think back on the time when I entered into government service over 20 years ago and remember the idealism, energy and pride I shared with my peers in being a public servant.

Somewhere in the past two decades we have lost sight of the value of "service." We've grown accustomed to government solving our problems. We need to rekindle the spirit that led me and all of you into public service. We need to restore the sense of pride gained from working and contributing to the public good.

Today we have two major problems which, if properly combined, lend themselves to a wonderful match and a solution - our unchallenged young people and our natural resources.

A great many of our young people lack opportunities to have responsible and meaningful work. The message they receive is that they are not needed, maybe extraneous and perhaps even a burden. We also have infrastructure and natural resource needs that have outstripped government's ability to provide.

The solution to these problems is found not in the future, but in the past. The model is the Civilian Conservation Corps and the concept is very simple - young people doing hard work that will benefit Montana. The results are productive citizens who have a commitment to the future of our state because they have invested their sweat and labor in that future.

Over the course of this administration, I want to make this same opportunity available to our young people and their communities.

The ground work for this effort has already been laid. The Montana Conservation Corps, a non-profit organization created by the Human Resource Development Councils in Billings, Bozeman and Kalispell, have forged a partnership with the Parks Division in the Department of Fish, Wildlife, and Parks to successfully implement a program much like the Civilian Conservation Corps.

As a beginning, and through the reallocation of existing funds, I have asked the Office of Budget and Program Planning to prepare legislation authorizing the expenditure of \$500,000 to support this program. We will use the Montana Conservation Corps to build new partnerships by linking young people with public and private agencies willing to provide opportunities for them to make a real difference in Montana.

These are just two examples of how we have to change government to respond to present needs and to do so with resources already provided.

Against the backdrop of a responsible government living within its means, operating efficiently and effectively in the delivery of needed and necessary services on a priority basis, our most important work is to provide an atmosphere conducive to the creation of jobs.

Each of us knows someone, whether it's a friend, a neighbor or a relative, who doesn't have the opportunity to work for a living wage. We have to constantly protect the jobs we have and never tire in our efforts to create new opportunities.

There are two things that undermine those opportunities to create and sustain jobs - the first is our tax structure and the second is our workers' compensation system. A competitive tax system and stable workers' compensation system are the building blocks upon which a vibrant economy rests. Montana has one of the highest percentages of small businesses in the nation and our tax structure and workers' compensation system are strangling them. They simply must be fixed without delay.

My tax reform plan to be introduced by Senator Bruce Crippen is designed to bring equity and fairness into our tax system and to provide Montana a fighting chance to develop our economy and create jobs.

That proposal suggests to the people of Montana that we use a four percent sales tax as a vehicle to address the remaining deficit and to make ourselves competitive again.

Montana's tax system as it relates to personal property and income taxes is simply not competitive. The result is that we continue down the same path - extracting our resources and exporting them some place to be processed. That's been our history, but it will surely be our demise if we do not interrupt that cycle and begin to see the world through different eyes. We cannot extract enough to produce the full complement of jobs necessary to sustain our people. We speak of and believe in sustained yield, but will

never fully implement that principle until we begin to add value to the resources we harvest. And that will not happen until our tax system is competitive. That's the primary reason for tax reform - to produce jobs.

Our plan calls for reducing taxes on small businesses by 50 million dollars per year. Why? So those businesses that are here can expand, create jobs, and pay their employees a decent wage, and so new businesses can compete in a global economy while doing business in Montana. That means jobs.

Our proposal also suggests reducing income taxes, across the board, for everyone, by 52 million dollars a year. Why? So the same taxpayers don't continue to assume a larger and larger tax burden, so Montana families have more disposable income, and so we can create and retain investment capital for the creation of new economic expansion. That too means jobs.

Recognizing the historical argument against the use of a sales tax as a vehicle for tax reform, our proposal provides 34 million dollars in rebates for those in low income brackets, retirees and renters. Why? Because we want to remove the regressive side effects of a sales tax from being imposed upon those most vulnerable to that possibility. The last thing I want to do is to place those on fixed incomes and the economically disadvantaged at risk.

Is our proposal perfect? The answer is "probably not." Are we open to change, modification or improvement? The answer is "definitely yes." Will we consider alternatives that provide the same results? The answer is "we have invited the presentation of any alternative that seeks the same goals and produces the same results."

I believe Montanans will thoughtfully consider a tax reform plan if they are convinced it will provide meaningful reductions in their income and property taxes and, of most importance, that we will be prudent and responsible in managing their tax dollars. I hasten to add that I remain committed to placing the tax reform package I propose to a popular vote.

I understand that many of you sincerely and conscientiously oppose the use of a sales tax as a vehicle for tax reform. I must make one reasonable request of you: review our proposal carefully and dispassionately. Albert Einstein said it best: "... significant problems cannot be solved if we think the same way we did when we created the problem." We have to change and change now.

Our plan is designed to produce jobs and bring fairness and stability to our tax system. I expect to hear the same old tired cry that our intent is to benefit big business at the expense of Montana families and workers, but that complaint is based upon historical reaction instead of facts, emotion instead of logic. I would suggest to all that if this state is not better off with our proposal, then it should not be enacted.

The crisis in our workers' compensation system is like an anvil draped around the neck of our economy. It completely stifles small business growth and places the jobs those businesses create in harm's way. Burdened by



soaring medical costs, litigation, inadequate claims management and fraud, our workers' compensation system is a sorry mess in need of repair.

Our workers' compensation rates, among the highest in the nation, combined with the ticking of the "old fund" time bomb with an unfunded liability of more than 400 million dollars and the growing debt in the new fund currently at 42 million dollars, represent a barrier to economic expansion and new job opportunities.

It's time to break down that barrier. It's time to wake up from that nightmare.

Many groups of committed Montanans have dedicated themselves to producing a solution to the workers' compensation blues during the last two years. My administration, led by Lieutenant Governor Dennis Rehberg, and the members of the Fifty-Third Legislature must work together to galvanize the best and brightest ideas these groups have developed, and take immediate and dramatic steps to revolutionize our workers' compensation system.

Tomorrow, two legislative measures will be introduced by Senator John Harp that provide badly needed remedies for an ailing system.

At my request, legislation requiring mandatory worker safety programs will be submitted for your consideration and approval.

By making the work place safer, we will help reduce injury claims, limit the threat of worker injuries, and stabilize premiums.

I am also proposing that a workers' compensation fraud investigation and prosecution unit be established. This anti-fraud unit will be charged with the responsibility of aggressively identifying and prosecuting employee, employer, or health care provider abuse of the workers' compensation system. That abuse is severely damaging employers who play by the rules and injured workers for whom the system was created in the first place.

Let me pledge to the people of Montana and to this Legislature that I will never break the essential contract that the workers' compensation program represents to workers. But let me also sound the alarm to those who have habitually and systematically abused the workers' compensation system ... you have stifled economic opportunity for Montana families, you have prevented the growth of jobs in this state, and your insufferable illegal abuse will no longer be tolerated. If you've abused the workers' compensation system, watch out, because we're coming to get you. Not only do we intend to detect and prevent your actions, we will also seek punitive measures that will require you to fund this investigation and prosecution unit.

We will also be asking this Legislature to consider legislation aimed at improved claims management and cost containment through improved managed care for medical services.



The workers' compensation system finds itself in this position because efforts to correct it have failed to confront all of the realities for needed change. Those days are over. We must act, and we must act now. The time for study is past. The time for solutions is here.

And while I am proposing specific solutions to the workers' compensation crisis, I remain open to your ideas and advice. I am committed to making the workers' compensation program work effectively, and if government cannot accomplish that mission, I am open to substantial private sector involvement.

I pledge an unequivocal personal commitment to bipartisan collaboration, and the total cooperation of me and my administration in developing solutions to fix the workers' compensation program. The people of Montana rightfully demand a solution, and together we have a fundamental obligation to produce one.

As you know, Montana and the nation are facing a health care calamity of unprecedented proportion because of rising health care costs. The cost of medical care is now rising at a rate which is more than double the average rate of inflation.

Health care costs have skyrocketed out of control and are now the single largest and fastest growing sector of the state's budget accounting for twenty cents of every general fund tax dollar collected. These escalating costs affect every Montana citizen. Funds that could otherwise be used to reduce taxes, improve infrastructure or increase educational opportunities are now being consumed by ever-increasing medical costs.

Employers can no longer afford insurance for their employees and when insurance is provided, the increased costs of health care absorb any funds that might be available for wage increases. To make matters worse, and despite the excessive amount of money going into the health care system, for a large percentage of our population, necessary medical care is not available. An estimated 141,000 Montanans are without health insurance.

While control of health care expenditures is now being debated in Congress, Montana simply cannot afford to wait for health care reform from the national level. This is an issue that touches every Montanan and bold, proactive, bipartisan leadership is needed now.

There have been four major health care initiatives developed for presentation to the 1993 Legislature: the Health Care Montana plan, the Montanans for Universal Health Care plan, the Health Care for Montanans plan sponsored by Governor Stephens and the Health Montana plan sponsored by Senator Max Baucus.

Although specific provisions are different in some respects, all of the plans have a number of common components. Our administration is participating with each of the sponsoring organizations and members of this Legislature in reaching agreement to support a single plan that incorporates common elements from each of the others. A bill being drafted at the request of Senator Eve Franklin will embody that agreement.

The coalition that has been formed is significantly important because it represents groups that have traditionally been opposed to each other on health care issues. The coalition also represents all of the participants that are critical to successful passage and implementation of effective health care reform legislation.

The focal point of the compromise bill is the establishment of the Montana Health Care Authority which is intended to be a cooperative effort between the Legislature and the Governor's office. The Authority is charged with the responsibility of developing and implementing a reasonable and affordable health care program that will provide access to health care for all Montanans.

The Authority will take immediate action, so that by 1999 a target can be set for reducing the current excessive rate of inflation in medical care costs to no more than the annual percent change in the Gross Domestic Product Index. The Authority will act to contain costs through global budgeting, establish an all-payer system, develop systems to control unnecessary and inappropriate care, and prioritize services. The Authority will also direct itself toward insurance reform, legal reform, anti-trust reform, the establishment of a statewide health care data base, and public education and awareness.

Let there be no mistake about my message concerning health care. Our goal and responsibility is clear: every Montanan must have decent, affordable and accessible health care. Nothing less will do.

There is nothing that strikes a more sensitive chord within us than our concern about education. I have five children spread throughout our educational system, in college, high school and middle school, and I am deeply committed to assuring that our education system from kindergarten through college is not put at risk. I will not compromise the quality of education. At the same time when we are facing hundreds of millions of dollars of debt we are duty-bound to examine every governmental delivery system including education. I have presented my recommendations to you, and in conjunction with the Superintendent of Public Instruction, Nancy Keenan, we will continue to develop and refine the proposals that have been made. Let's get education on track. Let's get out of the courtroom and back in the classroom.

Communication and collaboration must also be demonstrated in our approach to protecting the environment while prudently using our natural resources. We must put aside confrontational debates and litigious attitudes in order to pave the way for reasonable multiple use of our resources while protecting and enhancing the total environment of Montana. I challenge all interest groups and interested citizens to participate in the discussions and difficult decisions that lie ahead. We must provide a better and more efficient way to solve natural resource problems.

To facilitate this effort I have proposed the establishment of a Dispute Resolution Center in the Governor's Office. This office will act as a conduit to bring interests together to educate one another and provide new and

innovative approaches to solving natural resource issues. We will establish this office through the use of Resource Indemnity Trust Interest monies and a matching grant from the National Institute of Dispute Resolution and the Western Governors' Association.

This office will work with the natural resource agencies to facilitate solutions to such issues as the use of water or clean-up of abandoned mining sites. We will require the executive branch agencies in all of their administrative and regulatory actions to open their process from beginning to end, and to initiate their activities by bringing opposing parties together to discuss, educate, resolve and mitigate the problems before final decisions are made.

Natural resource priorities for our administration will include focused and efficient reclamation of identified hazardous waste sites; clean-up of historic mining and oil and gas sites through the use of Resource Indemnity Trust funds and federal matching monies; promoting balanced multiple use of Montana's lands and resources; efficient regulatory processes open to the public and industry to ensure effective mitigation of problems before they occur; aggressive pursuit of water compacts with Montana's Indian Nations and the federal government; and an unqualified commitment to protecting Montana's resource needs and interests in disputes with other states.

What I want for Montana are probably the same things each of you want. I want a Montana where our people have jobs, where they can work for a decent wage, where they can take care of their families and live in the place they love. I want a Montana where all of our citizens have access to affordable health care and the same quality education I received in our schools and universities. I want a Montana where our tax system is fair and equitable to all, where our government lives within its means, and where we no longer live from crisis to crisis. I want a Montana that feels like, and looks like, and smells like the place where I grew up.

Montana has long been known as "next year country" where things will be better next year when the rains come and the price of beef, grain, oil, gas, copper, gold and timber goes up. But we cannot wait until next year. Our problems are too great, their need for solution too urgent to allow us that luxury.

Now is the time, this is the place, we are the people. Let us ask God to grant us the grace, the wisdom, and the courage to perform the task before us.

Let us begin.

Father Lowney gave the Benediction, and Governor Racicot was escorted from the House Chamber by the escort committee.

Sergeants-at-Arms Meadors and Regan escorted the distinguished guests from the House Chamber.

Senator Jergeson moved the joint session of the 53rd Legislature be adjourned. Motion carried.

Members of the Senate retired from the House Chamber.

**ANNOUNCEMENTS**

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, January 15, 1993. Motion carried.

House adjourned at 6:56 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## ELEVENTH LEGISLATIVE DAY

Helena, Montana  
January 15, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Spring. Pledge of Allegiance to the Flag.

Roll call. All members present except Bohlinger, McCarthy, Whalen, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/14/93  
Correctly printed for second reading: HB 44, HB 63, HB 86, HB 88, HB 93.  
Correctly printed for second reading: HB 8, HB 47, HB 58, HB 84, HB 96,  
HB 103, HB 117, HB 119, HB 120. 1/15/93  
Correctly engrossed for third reading: HB 18, HB 59, HB 67, HB 77, HB 85,  
HR 2.  
Correctly engrossed for third reading: HB 53, HB 98, HB 101. 1/15/93

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman):  
1/15/93

**HB 108**, introduced bill, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):  
1/14/93

**HB 83**, introduced bill, be amended as follows:

1. Page 3, line 13.  
Strike: "rehired"  
Insert: "offered a contract for rehire"
2. Page 3, line 14.  
Following: "is"  
Insert: "currently and appropriately"
3. Page 5, line 6.  
Strike: "rehired"  
Insert: "offered a contract for rehire for the next school year"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman): 1/15/93  
**HB 39**, introduced bill, be amended as follows:

1. Title, line 5.  
Following: "SEWER"  
Insert: "REVENUE"
2. Title, line 6.  
Following: "AND"  
Strike: "REPEALING"  
Insert: "AMENDING"

3. Page 1, line 9.  
Strike: section 1 in its entirety

4. Page 1.

Following: line 10

Insert: "Section 1. Section 7-7-4222, MCA, is amended to read:

"7-7-4222. Election required for bond issue relating to water and sewer systems. ~~No money must be borrowed on bonds~~ Bonds backed by the full faith and credit of the city or town and issued for the construction, purchase, or securing of a water plant, water system, water supply, sewage treatment and disposal plant, or sewer system may not be issued until the proposition has been submitted to a vote and the majority vote cast in favor thereof."

And, as amended, do pass. Report adopted.

**HB 109**, introduced bill, do pass. Report adopted.

RULES (Grinde, Chairman):

1/15/93

**HR 1**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/14/93

**SB 2**, third reading copy, be concurred in. Report adopted.

### REPORTS OF SELECT COMMITTEES

Select Committee on Budget and Revenue  
on House Resolution 2

Mr. Speaker:

We, your Select Committee on Budget and Revenue, recommend that HR 2 do pass and that this report be adopted.

Ed Grady, Chairman

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/14/93

**SB 6**, introduced by Nathe

**SB 7**, introduced by Nathe

**SB 34**, introduced by Eck

**SB 61**, introduced by Stang

**SB 75**, introduced by Hockett

**SB 76**, introduced by Gage

**SB 77**, introduced by Swysgood

**SJR 9**, introduced by Jergeson

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 187**, introduced by S. Rice, Dolezal (by request of the Department of Family Services), referred to Committee on Judiciary

**HB 188**, introduced by R. Johnson, Jacobson, Bardanouve, Blaylock, Peck, J. Johnson, Quilici, Jergeson, Kadas, Zook, Yellowtail, Beck, Hibbard, Rehbein, Benedict, Swift, T. Nelson, Eck, Nathe, Keller, Bruski-Maus, Gage, Stovall, DeBruycker, Rye, Grinde, Fagg, Simpkins, Harper, referred to Committee on State Administration

**HB 189**, introduced by Wallin (by request of the Department of Commerce), referred to Committee on Local Government

**HB 190**, introduced by Mason (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 191**, introduced by Strizich, Yellowtail, D. Brown, McCulloch, Cocchiarella (by request of the Gaming Advisory Council), referred to Committee on Business and Economic Development

**HB 192**, introduced by Foster, Gilbert, Toole, Anderson, Wagner, Bird, referred to Committee on Natural Resources

**HB 193**, introduced by Tuss, Christiaens, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 194**, introduced by Tuss, Christiaens, Franklin, Stanford, Wilson (by request of the Office of Public Instruction), referred to Committee on Education and Cultural Resources

**HB 195**, introduced by McCulloch, Brandewie, Kadas, McCaffree, J. Rice, Schye, referred to Committee on Labor and Employment Relations

**HB 196**, introduced by Driscoll (by request of the Department of Revenue), referred to Committee on Taxation

**HB 197**, introduced by Quilici, Jacobson, Harrington, Pipinich, McCarthy, Menahan, D. Brown, Pavlovich, Driscoll, Daily, Lynch, McClerman, referred to Committee on Highways and Transportation

**HB 198**, introduced by Peterson (by request of the Governor), referred to Committee on Appropriations

**HB 199**, introduced by Russell, Whalen, Hansen, Tuss, Christiaens, Squires, S. Rice, Gervais, referred to Committee on Labor and Employment Relations

**HB 200**, introduced by Bergman, referred to Committee on State Administration

**HB 201**, introduced by Hibbard, Christiaens, Bachini, Rehbein, Nathe (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 202**, introduced by Kadas (by request of the Superintendent of Public Instruction), referred to Committee on Education and Cultural Resources

**HB 203**, introduced by Larson, Sayles, Toole, Pipinich, referred to Committee on Local Government

**HB 204**, introduced by Ream, Sayles, Rye, Halligan, referred to Committee on Taxation

**HB 205**, introduced by Dolezal, Wanzenried, Raney, Dowell, Harper, Harp, Brandewie, B. Brown, Kennedy, Wagner, Elliott, Forrester, Gilbert, Ream, referred to Committee on Natural Resources

**HB 206**, introduced by Fisher, referred to Committee on Education and Cultural Resources

**HB 207**, introduced by Larson, Sayles, Doherty, Tuss (by request of the Department of Justice), referred to Committee on Taxation

**HB 208**, introduced by Driscoll, Lynch, Benedict, Hibbard, Cocchiarella, Pavlovich, Gage, Towe, Blaylock, referred to Select Committee on Workers' Compensation

**HR 2**, introduced by Gilbert, Driscoll (by request of the House Select Committee on Budget and Revenue), referred to Select Committee on Budget and Revenue

**HJR 3**, introduced by Gilbert, Harrington, Rye, Hager, Eck, M. Hanson, Van Valkenburg, Foster, Ream, Schye, B. Brown, Towe (by request of the Revenue Oversight Committee), referred to Committee on Taxation

The following Senate bills were introduced, read first time, and referred to committee:

**SB 6**, introduced by Nathe (by request of the Committee on the Montana State Hospital), referred to Committee on Human Services and Aging

**SB 7**, introduced by Nathe (by request of the Committee on the Montana State Hospital), referred to Committee on Human Services and Aging

**SB 34**, introduced by Eck (by request of the Joint Interim Subcommittee on Children and Families), referred to Committee on Human Services and Aging

**SB 61**, introduced by Stang (by request of the Department of Family Services), referred to Committee on Education and Cultural Resources

**SB 75**, introduced by Hockett, referred to Committee on Education and Cultural Resources

**SB 76**, introduced by Gage (by request of the Department of Administration), referred to Committee on State Administration

**SB 77**, introduced by Swysgood (by request of the Joint Committee on Postsecondary Education Policy and Budget), referred to Committee on Appropriations

**SJR 9**, introduced by Jergeson, Grinde (by request of the Joint Rules Committee), referred to Committee on Rules

Representative Grinde moved the House recess until 2:00 p.m. Motion carried.

House recessed at 1:09 p.m.

House reconvened at 2:05 p.m. Mr. Speaker in the Chair.

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Foster in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HR 2** - Representative Grinde moved consideration of HR 2 be placed at the top of the second reading board. Motion carried.

Representative Grady moved HR 2 do pass.



Representative Harper made a substitute motion to revert to the body of the bill for the purpose of amendment.

Representative Harper moved HR 2, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 16.

Following: line 15

Insert: "(3) That elimination or reduction of specific programs, and not across-the-board cuts, be used to achieve budget reductions;"

Renumber: subsequent subsections

Amendment #1 passed as follows:

Ayes: Bachini, Barnett, Barnhart, Bird, Brandewie, Brooke, Clark, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ewer, Fagg, Feland, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Hibbard, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, L. Nelson, Peck, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Mr. Speaker.

Total 61

Noes: Anderson, Bardanouve, Benedict, Bergman, Boharski, Brown, Cobb, Daily, Driscoll, Ellis, Endy, Fisher, Galvin, Gervais, H.S. Hanson, Harrington, Hayne, Herron, J. Johnson, Kasten, Menahan, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, Rose, Simpkins, Stovall, Tash, Whalen, Wiseman, Zook.

Total 35

Excused: Bohlinger, McCarthy.

Total 2

Absent or not voting: Bergsagel, Foster.

Total 2

Representative Elliott moved HR 2 be further amended as follows (amendment #2):

1. Page 2, line 16.

Following: line 15

Insert: "(4) That state costs not be shifted to local governments or local property taxpayers;"

Renumber: subsequent subsections

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bird, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Keller, Knox, Larson, McCaffree, McCulloch, Mills, Molnar, L.

Nelson, T. Nelson, Pavlovich, Peck, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Mr. Speaker.

Total 74

Noes: Bardanouve, Bergman, Boharski, Cobb, DeBruycker, Driscoll, Feland, Fisher, H.S. Hanson, Hayne, R. Johnson, Kadas, Kasten, Mason, Menahan, Orr, Peterson, Quilici, Rehbein, Simpkins, Wiseman, Zook.

Total 22

Excused: Bohlinger, McCarthy.

Total 2

Absent or not voting: Bergsagel, Whalen.

Total 2

Representative Gilbert moved HR 2, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Mason, McCaffree, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Barnhart, Boharski, Brooke, Brown, Daily, Davis, Dowell, Gervais, Harper, Harrington, Kadas, Kasten, Larson, McCulloch, Menahan, Molnar, Pavlovich, Quilici, Raney, Ream, Russell, Squires, Toole.

Total 23

Voted Absentee: Bohlinger, Aye.

Excused: McCarthy.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Foster moved the adoption of the committee report. Report adopted. (78-19)

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, January 16, 1993. Motion carried.

House adjourned at 3:41 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## TWELFTH LEGISLATIVE DAY

Helena, Montana  
January 16, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative S. Rice. Pledge of Allegiance to the Flag.

Roll call. All members present except Benedict, Kadas, McCarthy, Ream, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Paul Greenwood, Polson (permanent page)  
Carrie J. Schara, Red Lodge  
Jennifer Mas, Valier  
Tamera Weir, Belgrade  
Jennifer Smith, Milltown  
Sean Fimmel, Missoula  
Kristy G. Hinebauch, Rosebud  
Julie C. Hughes, Bozeman

### Honorary Pages

Ashley Mercer, Yakima, Washington  
Stephanie Mollohan, Polson  
John Siemers, Polson  
Todd Sayles, Missoula

## REPORTS OF STANDING COMMITTEES

HUMAN SERVICES AND AGING (Boharski, Chairman): 1/15/93  
**HB 27**, introduced bill, be amended as follows:

1. Title, line 5.  
Following: "AN ACT"  
Insert: "RELATING TO LICENSING OF RESPIRATORY CARE  
PRACTITIONERS;"

2. Title, line 7.  
Following: "THERAPY;"  
Insert: "PROVIDING QUALIFICATIONS FOR A TEMPORARY PERMIT;"  
Strike: "SECTION"  
Insert: "SECTIONS"  
Following: "37-28-203"  
Insert: "AND 37-28-206"

3. Page 2.  
Following: line 1  
Insert: "Section 2. Section 37-28-206, MCA, is amended to read:  
"37-28-206. Temporary permit. (1) The board may issue  
a temporary permit to practice respiratory care for a period of 1  
year, pending receipt of an application for licensure and upon  
payment of a temporary permit fee in an amount established by the  
board. To receive the permit, the applicant shall demonstrate in  
writing, confirmed by oath, that he the applicant:"

(a) has applied for licensure by reciprocity pursuant to 37-28-202(2). If the board considers the application and denies it, the temporary permit shall lapse.

(b) has taken the examination for licensure and is awaiting the results; or

(c) is a student respiratory care practitioner who expects to graduate within 30 calendar days of his application for a license or is a student who has graduated within 6 months of application for a license.

(2) Upon expiration of the permit and payment of an additional fee in an amount established by the board, the board may issue a permit for an additional period not to exceed 1 year pending reexamination or compliance with the provisions of 37-28-202.

(3) An applicant who reapplies for a temporary permit after ~~he has abandoned~~ abandoning a previous application is not entitled to a permit."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 1/15/93  
**HB 112**, introduced bill, do pass and be placed on the consent calendar.  
Report adopted.

TAXATION (Gilbert, Chairman): 1/15/93  
**HB 149**, introduced bill, do pass. Report adopted.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/15/93

**SB 43**, introduced by Doherty  
**SB 98**, introduced by Rea  
**SB 114**, introduced by Hager

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 209**, introduced by Grady, Tveit, Bachini, Larson, Galvin, Beck, Schye, Tash, Wyatt, Bruski-Maus, Devlin, Clark, Blaylock, Bianchi, Harrington, referred to Committee on Highways and Transportation

**HB 210**, introduced by Peck, referred to Committee on Education and Cultural Resources

**HB 211**, introduced by Brooke, Klampe, Kennedy, Franklin, Harper, Wyatt, Winslow, Peterson, Smith, S. Rice, Dowell, referred to Committee on Business and Economic Development

**HB 212**, introduced by Daily, Pavlovich, Harrington, Menahan, Pipinich, Guilici, Jacobson, D. Brown, Lynch, Beck, Toole, Larson, McClernan, Endy, Driscoll, Smith, referred to Committee on Natural Resources

**HB 213**, introduced by Rose, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 214**, introduced by M. Hanson, Keller, Feland, DeBruycker, referred to Committee on Fish and Game

**HB 215**, introduced by Brooke, Yellowtail, Fritz, Kadas, Bartlett, Franklin, Squires, Harper, Russell, Strizich, Towe, Tuss, Cocchiarella, McCulloch, Gervais, Toole, Vaughn, Weldon, Blaylock, S. Rice, Barnhart, Swanson, Hansen, Jacobson, Dolezal, Wanzenried, Doherty, Larson, Stanford, referred to Committee on Judiciary

**HB 216**, introduced by Doherty, Grady, Harrington, Harper, Strizich, Beck, Kennedy, Cocchiarella, Wallin, T. Nelson, Stang, Harp, R. Johnson, referred to Committee on Business and Economic Development

The following Senate bills were introduced, read first time, and referred to committee:

**SB 43**, introduced by Doherty, referred to Committee on Human Services and Aging

**SB 98**, introduced by Rea, referred to Committee on Agriculture, Livestock, and Irrigation

**SB 114**, introduced by Hager (by request of the Department of Revenue), referred to Committee on Taxation

### MOTIONS

Representative Gilbert moved HB 17 be taken from the Committee on Highways and Transportation and HB 70 be taken from the Committee on Business and Economic Development and rereferred to the Committee on Taxation. Motion carried.

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Whalen in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 44** - Representative Ewer moved HB 44 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, J. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss,

Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bergsagel, Clark, Fagg, Hayne, R. Johnson, Kasten, Knox, Rose, Simon, Wiseman.

Total 10

Voted Absentee: Kadas, Ream, Ayes.

Excused: Benedict, McCarthy.

Total 2

Absent or not voting: Cobb, Dolezal, Harrington, Peterson.

Total 4

**HB 63** - Representative Keller moved HB 63 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Bachini, Daily, Davis, Dowell, Driscoll, Fagg, Grinde, Harper, Harrington, J. Johnson, R. Johnson, Larson, Menahan, Pavlovich, Toole, Vogel, Wanzenried.

Total 17

Voted Absentee: Ream, Aye.

Excused: Benedict, Kadas, McCarthy.

Total 3

Absent or not voting: Bardanouve, Whalen.

Total 2

**HB 86** - Representative M. Hanson moved HB 86 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson,



Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Driscoll, Gervais, Russell, Swanson.  
Total 4

Excused: Benedict, Kadas, McCarthy, Ream.  
Total 4

Absent or not voting: Whalen.  
Total 1

**HB 88** - Representative McCaffree moved HB 88 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 93

Noes: Brown, Ryan, Wyatt.  
Total 3

Voted Absentee: Ream, Aye.

Excused: Benedict, Kadas, McCarthy.  
Total 3

Absent or not voting: McCulloch.  
Total 1

**HB 93** - Representative Ewer moved HB 93 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas,

Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Kadas, Ream, Ayes.

Excused: Benedict, McCarthy.

Total 2

Absent or not voting: Squires.

Total 1

**HR 1** - Representative Grinde moved HR 1 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Cobb.

Total 1

Voted Absentee: Kadas, Ream, Ayes.

Excused: Benedict, McCarthy.

Total 2

Absent or not voting: None.

Total 0

**HB 8** - Representative Gilbert moved HB 8 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll,

Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.

Total 93

Noes: Wyatt.

Total 1

Voted Absentee: Ream, Aye.

Excused: Benedict, Kadas, McCarthy.

Total 3

Absent or not voting: Smith, Wallin, Zook.

Total 3

**HB 47** - Representative Gilbert moved HB 47 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Brown, Daily, H.S. Hanson, Pavlovich, Wyatt.

Total 5

Voted Absentee: Ream, Aye.

Excused: Benedict, Kadas, McCarthy.

Total 3

Absent or not voting: Harper.

Total 1

**HB 58** - Representative Keller moved HB 58 do pass.

Representative Molnar made a substitute motion HB 58 be placed at the bottom of the second reading board. Motion failed as follows: (35-59)

Representative Driscoll made a substitute motion HB 58 be passed for the day. Motion carried.

**HB 84** - Representative Fagg moved HB 84, second reading copy, be amended.

Representative Grinde made a substitute motion HB 84 be passed for the day. Motion carried.

**HB 96** - Representative Schye moved consideration of HB 96 be passed for the day. Motion carried.

**HB 103** - Representative Swanson moved HB 103 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 94

Noes: McCaffree, Zook.

Total 2

Voted Absentee: Ream, Aye.

Excused: Benedict, Kadas, McCarthy.

Total 3

Absent or not voting: Molnar.

Total 1

**HB 117** - Representative Kasten moved HB 117 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper,



Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Ream, Aye.

Excused: Benedict, Kadas, McCarthy.  
Total 3

Absent or not voting: None.  
Total 0

**HB 119** - Representative M. Hanson moved HB 119 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Ream, Aye.

Excused: Benedict, Kadas, McCarthy.  
Total 3

Absent or not voting: None.  
Total 0

**HB 120** - Representative Mason moved HB 120 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown,

Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.

Total 0

Voted Absentee: Benedict, Kadas, Ream, Ayes.

Excused: McCarthy.

Total 1

Absent or not voting: McCulloch, J. Rice.

Total 2

**SB 42** - Representative Grimes moved SB 42 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 95

Noes: Schye, Wyatt.

Total 2

Voted Absentee: Ream, Aye.

Excused: Benedict, Kadas, McCarthy.

Total 3

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Whalen moved the adoption of the committee report. Report adopted. (90-5)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 53** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Voted Absentee: Benedict, Ream, Ayes.

Excused: Kadas, McCarthy.  
Total 2

Absent or not voting: Anderson, R. Johnson.  
Total 2

**HB 98** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.

Total 0

Voted Absentee: Benedict, Ream, Ayes.

Excused: Kadas, McCarthy.

Total 2

Absent or not voting: Quilici.

Total 1

**HB 101** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Grinde, Peck, Rehbein, Sayles, Simpkins, Spring.

Total 6

Voted Absentee: Benedict, Kadas, McCarthy, Ream, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

### **SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 13: Driscoll, Dolezal, H. S. Hanson, Devlin, Fritz.

The following sponsors were added to HB 16: Halligan, Menahan, D. Brown, Harrington, Bird, Lynch, Daily, Quilici.

### **REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

1/16/93

Correctly printed for second reading: HB 39, HB 83, HB 108, HB 109.



**ANNOUNCEMENTS**

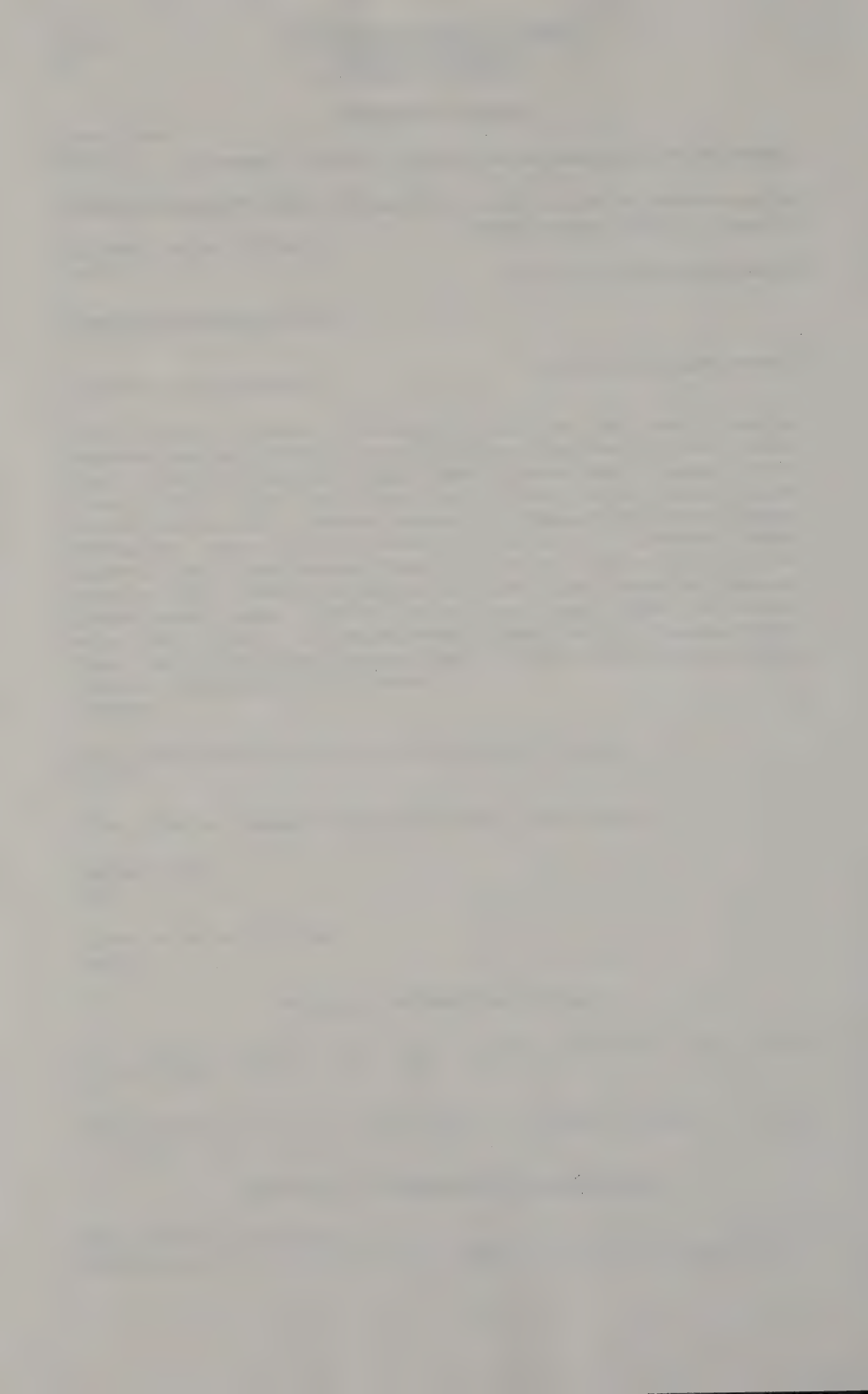
Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Monday, January 18, 1993. Motion carried.

House adjourned at 9:52 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## THIRTEENTH LEGISLATIVE DAY

Helena, Montana  
January 18, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Bergman. Pledge of Allegiance to the Flag.

Roll call. All members present except Brown, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the tenth legislative day, find the same to be correct.

Harriet Hayne, Chairman

### COMMUNICATIONS AND PETITIONS

In honor of Martin Luther King Jr. Day, Representatives Harper, Russell, and Fagg each addressed the House with a tribute to Reverend King.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/18/93  
Correctly printed for second reading: HB 27, HB 112, HB 149, HR 1, HR 2.  
Correctly engrossed for third reading: HB 8, HB 44, HB 47, HB 63, HB 86,  
HB 88, HB 93, HB 103, HB 117, HB 119, HB 120.  
Correctly enrolled: HR 1, HR 2.  
Examined by the sponsor and found to be correct:  
HR 1 - Grinde  
HR 2 - Gilbert

RULES (Grinde, Chairman): 1/18/93  
**SJR 9**, third reading copy, be concurred in. Report adopted.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/16/93

**SB 12**, introduced by Gage  
**SB 19**, introduced by Blaylock  
**SB 28**, introduced by Kennedy  
**SB 64**, introduced by Doherty  
**SB 67**, introduced by Yellowtail  
**SB 83**, introduced by Harp  
**SB 84**, introduced by Halligan  
**SB 97**, introduced by Hertel  
**SB 99**, introduced by Lynch  
**SJR 8**, introduced by Lynch

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 217**, introduced by H. S. Hanson, Daily, Lynch, Rye, Pavlovich, referred to Committee on State Administration

**HB 218**, introduced by Brandewie, Harding, Menahan, Dolezal, Endy, Fagg, referred to Committee on Natural Resources

**HB 219**, introduced by Gilbert, Dolezal, L. Nelson, Ryan, S. Rice, Tveit, Nathe, Clark, Vogel, Bruski-Maus, Menahan, DeBruycker, Feland, Rehbein, Galvin, Schye, Bachini, Forrester, J. Johnson, referred to Committee on Taxation

**HB 220**, introduced by Simon, Kennedy, Hansen, Fagg, Vogel, Winslow, Burnett, Schwinden, Bruski-Maus, Ream, Harper, Swift, referred to Committee on Human Services and Aging

**HB 221**, introduced by Schye, Nathe, Bardanouve, Toews, Kasten, referred to Committee on Taxation

**HB 222**, introduced by Stanford, Sayles, Christiaens (by request of the Department of Justice), referred to Committee on Business and Economic Development

**HB 223**, introduced by Grinde, referred to Committee on Local Government

**HB 224**, introduced by Schwinden, referred to Committee on Education and Cultural Resources

**HB 225**, introduced by Benedict (by request of the Department of Corrections and Human Services), referred to Committee on Human Services and Aging

The following Senate bills were introduced, read first time, and referred to committee:

**SB 12**, introduced by Gage (by request of the Board of Crime Control), referred to Committee on Judiciary

**SB 19**, introduced by Blaylock, referred to Committee on Judiciary

**SB 28**, introduced by Kennedy, referred to Committee on Education and Cultural Resources

**SB 64**, introduced by Doherty, referred to Committee on Judiciary

**SB 67**, introduced by Yellowtail (by request of the Environmental Quality Council), referred to Committee on Natural Resources

**SB 83**, introduced by Harp (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**SB 84**, introduced by Halligan, referred to Committee on State Administration

**SB 97**, introduced by Hertel (by request of the Department of Natural Resources and Conservation), referred to Committee on Agriculture, Livestock, and Irrigation

**SB 99**, introduced by Lynch (by request of the Legislative Council), referred to Committee on Education and Cultural Resources

**SJR 8**, introduced by Lynch (by request of the Legislative Council), referred to Committee on State Administration

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fagg in the Chair.



Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 84** - Representative Grinde moved consideration of HB 84 be placed at the bottom of the second reading board. Motion carried.

**HB 96** - Representative Ream moved HB 96 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Brown.

Total 1

Absent or not voting: Fagg.

Total 1

**HB 39** - Representative Sayles moved HB 39, second reading copy, be amended as follows (amendment #1):

1. Title, line 4.

Following: "ACT"

Strike: "ELIMINATING"

Insert: "CLARIFYING"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson,

Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Fisher.  
Total 1

Excused: Brown.  
Total 1

Absent or not voting: Brandewie, Fagg, Strizich.  
Total 3

Representative Ewer moved HB 39, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Cobb, Fisher, R. Johnson, Peterson.  
Total 4

Excused: Brown.  
Total 1

Absent or not voting: Fagg, Whalen.  
Total 2

**HB 83** - Representative Daily moved HB 83 be placed at the bottom of the second reading board. Motion carried.

**HB 108** - Representative Kasten moved HB 108, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (45-53)

Representative Bergsagel moved HB 108 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bohlinger, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck,

Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 76

Noes: Bird, Boharski, Brandewie, DeBruycker, Dowell, Ellis, Ewer, Feland, Fisher, Gilbert, M. Hanson, Hayne, Herron, R. Johnson, Kasten, T. Nelson, Peterson, Raney, Rehbein, Simon, Simpkins, Tunby, Wagner.  
Total 23

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 109** - Representative Barnett moved HB 109 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: McCulloch, Winslow.  
Total 2

Excused: Brown.  
Total 1

Absent or not voting: Fagg, Toole.  
Total 2

**HB 58** - Representative Molnar moved HB 58, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 16.  
Following: "owner"  
Insert: "and on property owned, leased, or controlled by the livestock owner"

2. Page 1, line 24.  
Following: "notified"

Insert: "after due process"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Voted Absentee: Brown, Aye.

Excused: None.

Total 0

Absent or not voting: Fagg, Simpkins.

Total 2

Representative Dowell moved HB 58, second reading copy, be further amended as follows (amendment #2):

1. Page 2.

Following: line 2

Insert: "(3) A dog may not be killed in a manner that will endanger a person."

Renumber: subsequent subsection

Amendment #2 passed as follows:

Ayes: Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergsagel, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84



Noes: Anderson, Bergman, Boharski, Clark, DeBruycker, Grady, M. Hanson, Hayne, Kasten, Orr, Peterson, Simpkins, Spring, Vogel.  
Total 14

Voted Absentee: Brown, Aye.

Excused: None.  
Total 0

Absent or not voting: Bird, Cobb.  
Total 2

Representative Larson moved HB 58, second reading copy, be further amended (amendment #3). Amendment #3 failed as follows: (28-69)

Representative Keller moved HB 58, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Elliott, Ellis, Endy, Ewer, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 79

Noes: Barnhart, Brooke, Cocchiarella, Dolezal, Dowell, Driscoll, Fisher, Gervais, Harper, Harrington, Kadas, McCulloch, Raney, S. Rice, Russell, Ryan, Strizich, Tuss, Wyatt.  
Total 19

Voted Absentee: Brown, Aye.

Excused: None.  
Total 0

Absent or not voting: Fagg, Molnar.  
Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Fagg moved the adoption of the committee report. Report adopted. (90-5)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 8** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 44** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Fagg, Hayne, R. Johnson, Kasten, Knox, Simon, Wiseman.

Total 8

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

**HB 47** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark,

Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Brown.  
Total 1

Absent or not voting: Schye.  
Total 1

**HB 63** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Bachini, Daily, Davis, Dowell, Driscoll, Fagg, Gervais, Grinde, Harper, J. Johnson, R. Johnson, Larson, Menahan, Pavlovich, Squires, Toole, Vogel, Wanzenried.  
Total 18

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 86** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert,

Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Gervais, Russell.  
Total 2

Excused: Brown.  
Total 1

Absent or not voting: Molnar.  
Total 1

**HB 88** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Ryan.  
Total 1

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 93** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas,



Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 103** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 94

Noes: McCaffree, L. Nelson, Zook.  
Total 3

Excused: Brown.  
Total 1

Absent or not voting: Anderson, Kadas.  
Total 2

**HB 117** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck,

Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Brown.  
Total 1

Absent or not voting: Ream, Strizich.  
Total 2

**HB 119** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Driscoll, Peck.  
Total 2

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

**HB 120** passed as follows:

Ayes: Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Driscoll.  
Total 1

Excused: Brown.  
Total 1

Absent or not voting: Anderson, Ream.  
Total 2

**SB 42** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Brown.  
Total 1

Absent or not voting: None.  
Total 0

### MOTIONS

Representative Wallin moved the rules be suspended to permit the late drafting and introduction of a bill. Motion failed. [Requires two-thirds vote.] (58-39)

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Tuesday, January 19, 1993. Motion carried.

House adjourned at 2:59 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## FOURTEENTH LEGISLATIVE DAY

Helena, Montana  
January 19, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Ryan. Pledge of Allegiance to the Flag.

Roll call. All members present except Schye, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eleventh and twelfth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/19/93  
Correctly engrossed for third reading: HB 39, HB 58, HB 96, HB 108, HB 109.  
Signed by the Speaker at 1:30 p.m., 1/18/93: HR 1, HR 2.  
Delivered to the Secretary of State for his approval at 10:30 a.m., 1/19/93: HR 1, HR 2.

JUDICIARY (Fagg, Chairman): 1/15/93  
**SB 1**, third reading copy, be concurred in. Report adopted.  
**SB 14**, third reading copy, be amended as follows:

1. Page 1, lines 16 and 17.  
Strike: "of any" on line 16 through "lead" on line 17

And, as amended, be concurred in. Report adopted.

### MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 1/18/93  
**HB 60**, introduced by Peterson

Senate bills passed and transmitted to the House for concurrence: 1/18/93

**SB 10**, introduced by Towe  
**SB 17**, introduced by Kennedy  
**SB 22**, introduced by Blaylock  
**SB 25**, introduced by Vaughn  
**SB 45**, introduced by Keating  
**SB 52**, introduced by Devlin  
**SB 56**, introduced by Vaughn  
**SB 57**, introduced by Swift  
**SB 101**, introduced by Jacobson  
**SB 110**, introduced by Toews  
**SB 126**, introduced by Stang  
**SB 127**, introduced by Stang

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 226**, introduced by Wallin, referred to Committee on Local Government

**HB 227**, introduced by Toole, Wanzenried, Swanson, Harper, Doherty, Tunby, Barnhart, Harding, Kadas, Elliott, referred to Committee on State Administration

**HB 228**, introduced by Toole, Larson, Fagg, referred to Committee on Judiciary

**HB 229**, introduced by Harrington, Menahan, Lynch, Pavlovich, Wyatt, Daily, Wanzenried, Fagg, referred to Committee on Human Services and Aging

**HB 230**, introduced by Winslow, referred to Committee on Local Government

**HB 231**, introduced by Winslow, referred to Committee on Labor and Employment Relations

**HB 232**, introduced by Clark (by request of the Department of Justice), referred to Committee on Highways and Transportation

**HB 233**, introduced by Benedict, Rye, Dowell, J. Rice, Quilici, Mercer, Squires, Barnett, Grinde, Halligan, referred to Committee on Highways and Transportation

**HB 234**, introduced by Toole, J. Rice, referred to Committee on Judiciary

**HB 235**, introduced by Toole, J. Rice, referred to Committee on Judiciary

**HB 236**, introduced by Toole, Larson, Whalen, referred to Committee on Judiciary

**HB 237**, introduced by Grady (by request of the Department of Health and Environmental Sciences), referred to Committee on Business and Economic Development

**HB 238**, introduced by Smith, Franklin, Strizich, Cocchiarella (by request of the Department of Family Services), referred to Committee on Human Services and Aging

**HB 239**, introduced by Harper, Halligan, Jergeson, Ream, Ryan, Barnhart, Van Valkenburg, Schye, Yellowtail, Schwinden, Doherty, Blaylock, Dolezal, Bartlett, Franklin, Kadas, Toole, Wanzenried, Russell, Bird, Brooke, Strizich, Swanson, Stanford, Squires, Galvin, McCaffree, McCulloch, Wyatt, Peck, Cocchiarella, Dowell, Gervais, Weldon, Klampe, S. Rice, Tuss, Raney, Ewer, referred to Committee on State Administration

**HB 240**, introduced by Hayne, Klampe (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 241**, introduced by Strizich, Franklin, J. Rice, Vogel, S. Rice, Ryan, Harper, Wiseman, Christiaens, Hansen, Kadas, Wilson, McCulloch, Driscoll, Harrington, Dowell, Smith, Eck, D. Brown, Cocchiarella, Toole, Squires, Barnhart, Simpkins, Menahan, Doherty, Wyatt, Harp, Tuss, Klampe, Raney, Bird, Rye, referred to Committee on Human Services and Aging

**HB 242**, introduced by Swanson, Brandewie, Ream, Stanford, Endy, Hansen, Doherty, Gilbert, Fagg, Wanzenried, referred to Committee on Natural Resources

**HB 243**, introduced by Menahan, Doherty, Strizich, Wilson, referred to Committee on Business and Economic Development

**HB 244**, introduced by Schwinden (by request of the Teachers' Retirement Board), referred to Committee on State Administration

**HB 245**, introduced by Kadas, Weldon, Tuss, Stanford, Brandewie, Dowell, Peterson, referred to Committee on Judiciary

**HB 246**, introduced by Simon, Bird, referred to Committee on Education and Cultural Resources

**HB 247**, introduced by Ewer (by request of the Office of Political Practices), referred to Committee on State Administration

**HB 248**, introduced by Peck, Jergeson, Rose, Brandewie, referred to Committee on Education and Cultural Resources

**HB 249**, introduced by Molnar, Simpkins, Boharski, Feland, Bohlinger, Vogel, Grosfield, Fagg, Mills, Anderson, referred to Committee on Education and Cultural Resources

The following Senate bills were introduced, read first time, and referred to committee:

**SB 10**, introduced by Towe, referred to Committee on Taxation

**SB 17**, introduced by Kennedy, referred to Committee on Fish and Game

**SB 22**, introduced by Blaylock, referred to Committee on Education and Cultural Resources

**SB 25**, introduced by Vaughn, referred to Committee on Local Government

**SB 45**, introduced by Keating (by request of the Board of Morticians), referred to Committee on Business and Economic Development

**SB 52**, introduced by Devlin, referred to Committee on Local Government

**SB 56**, introduced by Vaughn, referred to Committee on Highways and Transportation

**SB 57**, introduced by Swift (by request of the Department of Livestock), referred to Committee on Agriculture, Livestock, and Irrigation

**SB 101**, introduced by Jacobson (by request of the Legislative Finance Committee), referred to Committee on Taxation

**SB 110**, introduced by Toews (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**SB 126**, introduced by Stang (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**SB 127**, introduced by Stang (by request of the Department of Transportation), referred to Committee on Highways and Transportation

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brooke in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 2** - Representative Spring moved SB 2 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown,

Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Schye.

Total 1

Absent or not voting: Elliott, Gervais.

Total 2

**HB 84** - Representative Bird moved HB 84, second reading copy, be amended as follows (amendment #1):

1. Page 7, line 16.

Following: "(1)"

Insert: "(a)"

2. Page 7.

Following: line 20

Insert: "(b) The department determination that an inspection is necessary more often than once every 5 years, as provided in subsection (1)(a), must be based on substantive evidence, and the reasons for that determination must be stated in writing."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96



Noes: Brooke, Toole.  
Total 2

Excused: Schye.  
Total 1

Absent or not voting: J. Rice.  
Total 1

Representative Fagg moved HB 84, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 92

Noes: Cobb, DeBruycker, McCulloch, Wyatt.  
Total 4

Excused: Schye.  
Total 1

Absent or not voting: Driscoll, Gervais, Molnar.  
Total 3

**HB 83** - Representative Daily moved HB 83, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.  
Following: "NEXT"  
Strike: "4"  
Insert: "2"

2. Page 3, line 10.  
Following: "[7]"  
Strike: "If"  
Insert: "Except as provided in subsection (8), if"

3. Page 3, line 12.  
Following: "next"  
Strike: "4"  
Insert: "2"

4. Page 3, line 16.

Following: line 16

Insert: "(8) The provisions of subsection (7) do not apply if the terminated teacher has failed to provide the district with a current address."

5. Page 5, line 4.

Following: "(6)"

Strike: "If"

Insert: "Except as provided in subsection (8), if"

6. Page 5, line 8.

Following: "YEAR"

Insert: "if a position for which the terminated teacher is currently and appropriately certified becomes available"

7. Page 5, line 15.

Following: line 14

Insert: "(8) The provisions of subsection (6) do not apply if the terminated teacher has failed to provide the district with a current address."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Barnett, Hansen, T. Nelson.

Total 3

Excused: Schye.

Total 1

Absent or not voting: Bardanouve, Grady.

Total 2

Representative Daily moved HB 83, as amended, do pass. Motion failed as follows:

Ayes: Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Galvin, Gervais, Harper, Harrington, Hibbard, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, Pavlovich, Quilici, Raney, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Whalen, Wyatt.

Total 39

Noes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, L. Nelson, T. Nelson, Orr, Peck, Peterson, Ream, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 61

Voted Absentee: Schye, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 27** - Representative Squires moved HB 27 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Schye.

Total 1

Absent or not voting: None.

Total 0

**HB 149** - Representative Larson moved HB 149 do pass.

Representative Gervais made a substitute motion HB 149, second reading copy, be amended (amendment #1). Amendment # 1 failed as follows: (34-65)

Representative Larson moved HB 149 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Gervais, Russell.

Total 3

Excused: Schye.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Brooke moved the adoption of the committee report. Report adopted. (91-2)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 96** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Sayles.

Total 1



Excused: Schye.

Total 1

Absent or not voting: J. Rice.

Total 1

**HB 108** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Boharski, DeBruycker, Ellis, Ewer, Feland, Fisher, Gilbert, M. Hanson, Herron, R. Johnson, Kasten, T. Nelson, Peterson, Rehbein, Simon, Simpkins, Tunby, Wagner.

Total 18

Excused: Schye.

Total 1

Absent or not voting: None.

Total 0

**HB 109** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Brown, Driscoll, Winslow.

Total 3

Excused: Schye.

Total 1

Absent or not voting: None.  
Total 0

### **MOTIONS**

Representative Grinde moved HB 112 be removed from the consent calendar and placed on second reading. Motion carried. Upon written objection, Representatives Fisher, Boharski, and DeBruycker requested the same.

Representative Harper moved HB 121 be taken from the Committee on Natural Resources and rereferred to the Committee on Judiciary. Motion carried. (61-38)

Representative Grady moved HB 113 be taken from the Committee on Education and Cultural Resources and rereferred to the Committee on Appropriations. Motion carried.

Representative Brooke moved HB 211 be taken from the Committee on Business and Economic Development and rereferred to the Committee on Human Services and Aging. Motion carried.

Representative Grinde moved the rules be suspended to permit the late drafting of House and Senate Joint Resolutions. Motion carried.

### **SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 113: Galvin, Strizich, Wiseman, Wyatt, McCulloch, Dolezal, Ryan, S. Rice, Mesaros, Tuss, Franklin, Wilson, Klampe, Doherty.

The following sponsor was added to HB 201: Bohlinger.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, January 20, 1993. Motion carried.

House adjourned at 2:30 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## FIFTEENTH LEGISLATIVE DAY

Helena, Montana  
January 20, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Molnar. Pledge of Allegiance to the Flag.

Roll call. All members present except Gervais, Hansen, Whalen, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/20/93  
Correctly engrossed for third reading: HB 27, HB 84, HB 149, SB 2.  
Examined by the sponsor and found to be correct:  
HB 60 - Peterson

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 1/19/93  
**HB 130**, introduced bill, do pass. Report adopted.  
**HB 147**, introduced bill, do pass. Report adopted. 1/20/93  
**HB 170**, introduced bill, be amended as follows:

1. Title, line 4.  
Strike: "ADDING"  
Insert: "REPLACING THE REPRESENTATIVE OF THE GENERAL PUBLIC WITH"

2. Title, line 5.  
Strike: "TO"  
Insert: "ON"

3. Page 1, line 13.  
Strike: "10"  
Insert: "nine"

4. Page 2, line 4.  
Strike: "person representing the general public"  
Insert: "member of the association of Montana aerial applicators;"  
Following: "and"  
Insert: "and"

5. Page 2, lines 8 through 10.  
Following: "schools" on line 8  
Strike: remainder of line 8 and through "applicators" on line 10

And, as amended, do pass. Report adopted.

**SB 11**, third reading copy, be amended as follows:

1. Title, line 5.  
Following: "TRANSACTIONS;"  
Insert: "AND"

2. Title, lines 6 and 7.  
Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, lines 1 and 2.

Strike: section 2 in its entirety

And, as amended, be concurred in. Report adopted.

**SB 21**, third reading copy, be amended as follows:

1. Title, line 5.

Following: "ACT;"

Insert: "AND"

2. Title, lines 5 and 6.

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, lines 2 and 3.

Strike: section 2 in its entirety

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

1/19/93

**HB 116**, introduced bill, do pass. Report adopted.

**HB 141**, introduced bill, do pass. Report adopted.

FISH AND GAME (Foster, Chairman):

1/18/93

**HB 110**, introduced bill, do pass. Report adopted.

**HB 133**, introduced bill, be amended as follows:

1. Page 1, lines 18 and 19.

Following: "service," on line 18

Strike: "officers and agents"

Insert: "peace officers"

2. Page 1, line 19.

Following: "management,"

Strike: "and other federal officers and agents"

Insert: "national park service, and corps of engineers"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):

1/19/93

**HB 41**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "PROVIDING THAT"

Insert: "MAKING PERMANENT THE LAW PROHIBITING"

2. Title, lines 5 and 6.

Following: "AUTHORITIES" on line 5

Strike: remainder of line 5 through "RESTRICT" on line 6

Insert: "FROM RESTRICTING"



January 20, 1993

## 3. Title, line 6.

Following: "HIGHWAY"

Insert: "UNDER CERTAIN CONDITIONS AND MAKING PERMANENT THE  
LAW REQUIRING A PERMIT"

## 4. Page 1, line 9.

Insert: "STATEMENT OF INTENT

The legislature in 1991 temporarily prohibited the department of transportation from subjecting seed potato haulers to weight and speed restrictions under certain conditions and with a permit requirement. It is the intent of the legislature to now make that prohibition permanent under the same conditions and permit requirements as were contained in the 1991 temporary law. The legislature expects that with the passage of time, roads will be upgraded and that equipment used by the potato haulers will be upgraded in a fashion that will eliminate the wear and tear on roads that makes special weight and speed restrictions necessary. For the time being, the legislature recognizes the necessity of exempting seed potato haulers from special restrictions under certain conditions. The legislature intends to allow the exemption with the understanding that in the future, the people involved in the seed potato industry will continue to work on upgrading their equipment so that eventually the equipment will not require exemptions from special speed and weight limits and that as equipment is replaced, the new equipment will meet regular limits, without special exemptions, that will protect the state's highways."

## 5. Page 4, line 1.

Following: "highways"

Insert: ", subject to the provisions of subsection (3)"

## 6. Page 4, line 10.

Strike: "and"

## 7. Page 4, line 11.

Insert: "(b) a permit has been issued under 61-10-107(3), regardless of the vehicle's gross weight, specifying the route from point of loading to the nearest nonrestricted road; and"

Renumber: subsequent subsection

## 8. Page 4, line 13.

Insert: "(4) A permit referred to in subsection (3) may be revoked for violating any condition of the permit."

And, as amended, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

1/19/93

**HB 158**, introduced bill, do pass. Report adopted.**HB 168**, introduced bill, do pass. Report adopted.

JUDICIARY (Fagg, Chairman): 1/19/93  
**HB 151**, introduced bill, do pass. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman): 1/20/93  
**HB 132**, introduced bill, do pass. Report adopted.  
**HB 137**, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman): 1/19/93  
**HB 30**, introduced bill, be amended as follows:

1. Page 1.

Following: Line 12

Insert:

"STATEMENT OF INTENT

In providing governing bodies with a local option to change the definition of a lakeshore from 20 feet to a maximum of 50 feet above the high-water elevation, it is the intent of the legislature that the governing body not automatically exclude all development within this zone. Rather, the lakeshore is intended to be a zone of closely managed activity where proposed development is reviewed and approved by the governing body pursuant to local regulations adopted under Title 75, chapter 7, part 2."

2. Page 1, line 17.

Following: "75-7-203"

Insert: "and [section 8]"

3. Page 2, line 5.

Following: "20"

Strike: "50"

Insert: "20"

4. Page 2, line 24.

Following: "(4)."

Insert: "upon receipt of a petition signed by at least 15% of the lakeshore property owners, or signed by persons owning at least 15% of the lakeshore property,"

5. Page 3, line 8.

Following: "impoundment"

Strike: "that is"

6. Page 3, line 9.

Following: "(a)"

Insert: "that is"

Following: "1"

Strike: "or"

7. Page 3, line 10.

Following: "(b)"

Insert: "that is"

8. Page 3, line 11.

Following: "Title 82"

Strike: " "

Insert: "; or

(c) when lakeshore development is regulated by a federal agency."

9. Page 3, line 13.

Following: "shall"

Insert: ": (a)"

10. Page 3, line 16.

Following: "lake"

Insert: "; and

(b) comply with the requirements of [section 8(2)]"

11. Page 3, line 20.

Following: "permit"

Insert: "granted under this part"

12. Page 3, line 24.

Following: "board"

Insert: ", lake advisory committee, and conservation district"

13. Page 4.

Following: line 14

Insert: "(3) In performing its duties under this part, the governing body shall, upon request, seek the recommendation and assistance of the local conservation district."

14. Page 5.

Following: Line 25

Insert: "NEW SECTION. Section 8. Change in width of lakeshore zone -- local option. (1) A governing body may, through the procedures in subsection (2), change the definition of a lakeshore in 75-7-202 from 20 horizontal feet to a maximum of 50 horizontal feet from the high-water elevation.

(2) When changing the definition of a lakeshore under subsection (1), a governing body shall:

(a) provide public notice pursuant to 7-1-4128 for a municipality or 7-1-2121 for a county;

(b) conduct a public hearing according to the procedures in 7-1-4131; and

(c) follow the procedures for the adoption of ordinances in 7-5-103.

NEW SECTION. Section 9. Codification instruction. [Sections 6 through 8] are intended to be codified as an integral part of Title 75, chapter 7, part 2, and the provisions of Title 75, chapter 7, part 2, apply to [sections 6 through 8]."

And, as amended, do pass. Report adopted.

1. Page 4, line 15.

Following: "software"

Strike: "provided"

Insert: "administered"

And, as amended, do pass. Report adopted.

**HB 134**, introduced bill, do pass. Report adopted.

**HB 162**, introduced bill, do pass. Report adopted.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/19/93

**SB 29**, introduced by Towe

**SB 71**, introduced by Towe

**SB 90**, introduced by Jacobson

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 250**, introduced by Ream (by request of the Department of Revenue), referred to Committee on Taxation

**HB 251**, introduced by Pavlovich, Menahan, referred to Committee on Fish and Game

**HB 252**, introduced by Bachini, Hockett, Christiaens, McCaffree, Davis, Peck, Vogel, referred to Committee on Business and Economic Development

**HB 253**, introduced by D. Brown, referred to Committee on Judiciary

**HB 254**, introduced by McCaffree, referred to Committee on Taxation

**HB 255**, introduced by Anderson (by request of the Department of Corrections and Human Services), referred to Committee on Judiciary

**HB 256**, introduced by Toole, Larson, referred to Committee on Highways and Transportation

**HB 257**, introduced by Toole, Larson, referred to Committee on Judiciary

**HB 258**, introduced by Toole, Whalen, Bird, referred to Committee on Judiciary

**HB 259**, introduced by Schwinden, Ellis, Wallin, Harper, B. Brown, Christiaens, referred to Committee on Labor and Employment Relations

**HB 260**, introduced by Driscoll, Yellowtail, Stang, Wilson, referred to Committee on Labor and Employment Relations

**HB 261**, introduced by Whalen, Towe, Menahan, referred to Committee on Labor and Employment Relations

**HB 262**, introduced by Kadas, referred to Committee on Education and Cultural Resources

**HB 263**, introduced by Cobb, referred to Committee on Natural Resources

**HB 264**, introduced by Cobb, referred to Committee on Natural Resources

**HB 265**, introduced by Larson, Pavlovich, Driscoll, Toole, referred to Committee on State Administration

**HB 266**, introduced by Orr (by request of the Department of State Lands), referred to Committee on State Administration



**HB 267**, introduced by Clark, Vogel, Bergsagel, Orr, Koehnke, Sayles, Tash, McCaffree, Pavlovich, Cobb, Keller, Brandewie, Swysgood, Wagner, D. Brown, Bruski-Maus, referred to Committee on Judiciary

**HB 268**, introduced by Harper, J. Rice, referred to Committee on Taxation

**HB 269**, introduced by Larson, Pavlovich, Driscoll, Toole, referred to Committee on Business and Economic Development

**HB 270**, introduced by Grady, Endy, Aklestad, Gage, Pavlovich, referred to Committee on Highways and Transportation

**HB 271**, introduced by Larson, Pavlovich, Benedict, Lynch, Gage, referred to Committee on Business and Economic Development

**HB 272**, introduced by J. Rice (by request of the Department of Justice), referred to Committee on Business and Economic Development

**HB 273**, introduced by Dolezal, Gage, Christiaens, Ryan, T. Nelson, Wyatt, Schye, Franklin, Wilson, Pavlovich, Tuss, R. Johnson, Driscoll, Wallin, Tveit, S. Rice, Dowell, Barnhart, McCulloch, Galvin, Wanzenried, McCaffree, Strizich, Doherty, referred to Committee on Business and Economic Development

**HB 274**, introduced by D. Brown, Yellowtail, Strizich, Pavlovich, referred to Committee on Human Services and Aging

**HB 275**, introduced by Gervais, Russell, Raney, Squires, Cocchiarella, Yellowtail, referred to Committee on Appropriations

**HB 276**, introduced by Gervais, Russell, Raney, Squires, Cocchiarella, Yellowtail, referred to Committee on Education and Cultural Resources

**HB 277**, introduced by Gervais, Russell, Hansen, Raney, Squires, Cocchiarella, Yellowtail, referred to Committee on Appropriations

**HB 278**, introduced by Bardanouve, Nathe, Cobb, Doherty, Yellowtail, R. Johnson, J. Rice, Strizich, Harper, Harp, D. Brown, referred to Committee on Appropriations

**HB 279**, introduced by Gilbert, Harrington, Foster, McCaffree, Swysgood, Harp, referred to Committee on Business and Economic Development

**HB 280**, introduced by Gilbert, Swanson, Fagg, Brandewie, Doherty, Raney, referred to Committee on Natural Resources

**HB 281**, introduced by Grady, Forrester, Larson, referred to Committee on Fish and Game

**HB 282**, introduced by Whalen, Strizich, McCulloch, Wyatt, referred to Committee on Judiciary

**HB 283**, introduced by Elliott, Stang, Wilson, Forrester (by request of the Department of Revenue), referred to Committee on Taxation

**HB 284**, introduced by Cobb (by request of the Office of Public Instruction), referred to Committee on Education and Cultural Resources

**HB 285**, introduced by Tuss, Davis, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 286**, introduced by L. Nelson, Rehbein, J. Johnson, Nathe, Tveit, referred to Committee on Labor and Employment Relations

**HB 287**, introduced by Wiseman, Hibbard, Benedict, Cocchiarella, Squires (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations

**HB 288**, introduced by Feland (by request of the Department of Natural Resources and Conservation), referred to Committee on Natural Resources

**HB 289**, introduced by Hibbard, J. Rice, Cocchiarella, Bartlett, Waterman, referred to Committee on State Administration

**HB 290**, introduced by Hibbard, Keller, DeBruycker, Wallin, Grady, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 291**, introduced by Hibbard (by request of the Office of Political Practices), referred to Committee on State Administration

**HB 292**, introduced by Larson (by request of the Public Service Commission), referred to Committee on State Administration

**HJR 4**, introduced by Barnhart, B. Brown, Franklin, Yellowtail, Nathe, Weeding, Bianchi, Beck, Doherty, Gage, McCulloch, Toole, Ream, Schwinden, Davis, Spring, Simpkins, Galvin, Tunby, McCarthy, J. Johnson, Gervais, S. Rice, L. Nelson, Raney, Elliott, Dolezal, Pavlovich, Harrington, Menahan, Russell, Bruski-Maus, Rea, Swanson, Tuss, referred to Committee on Human Services and Aging

The following Senate bills were introduced, read first time, and referred to committee:

**SB 29**, introduced by Towe, referred to Committee on Judiciary

**SB 71**, introduced by Towe, referred to Committee on Appropriations

**SB 90**, introduced by Jacobson, B. Brown, referred to Committee on State Administration

## SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wallin in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 9** - Representative Grinde moved SJR 9 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Barnett, Boharski, DeBruycker, Kasten.

Total 4

Voted Absentee: Hansen, Whalen, Ayes.

Excused: Gervais.

Total 1

Absent or not voting: Bergman, Gilbert, Wallin.  
Total 3

**SB 1** - Representative J. Rice moved SB 1 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bachini, Bergsagel, DeBruycker, Peck.  
Total 4

Voted Absentee: Hansen, Whalen, Ayes.

Excused: Gervais.  
Total 1

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wallin moved the adoption of the committee report. Report adopted. (91-5)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 2** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires,



Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Hansen, Aye.

Excused: Gervais, Whalen.  
Total 2

Absent or not voting: Ewer.  
Total 1

**HB 27** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook.  
Total 95

Noes: Spring.  
Total 1

Voted Absentee: Hansen, Aye.

Excused: Gervais, Whalen.  
Total 2

Absent or not voting: Bardanouve, Mr. Speaker.  
Total 2

**HB 39** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden,



Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Fisher, Peterson.  
Total 2

Voted Absentee: Hansen, Aye.

Excused: Gervais, Whalen.  
Total 2

Absent or not voting: Kadas.  
Total 1

**HB 58** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 79

Noes: Barnhart, Brooke, Cocchiarella, Dolezal, Dowell, Fisher, Gervais, Harper, Harrington, Herron, Kadas, McCulloch, Raney, S. Rice, Russell, Ryan, Strizich, Toole, Tuss, Wyatt.  
Total 20

Voted Absentee: Hansen, Aye; Gervais, No.

Excused: Whalen.  
Total 1

Absent or not voting: None.  
Total 0

**HB 149** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney,

Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, Gervais.

Total 2

Voted Absentee: Hansen, Aye; Gervais, No.

Excused: Whalen.

Total 1

Absent or not voting: None.

Total 0

### **MOTIONS**

Representative Kadas moved HB 245 be taken from the Committee on Judiciary and rereferred to the Committee on Business and Economic Development. Motion carried.

Representative Larson moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative S. Rice moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative Simpkins moved HB 200 be taken from the Committee on State Administration and rereferred to the Committee on Local Government. Motion carried.

Representative Wallin moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Thursday, January 21, 1993. Motion carried.

House adjourned at 1:35 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## SIXTEENTH LEGISLATIVE DAY

Helena, Montana  
January 21, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Schwinden. Pledge of Allegiance to the Flag.

Roll call. All members present except Brown, Elliott, J. Johnson, Kadas, McCarthy, Guillici, Ream, Wanzenried, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the thirteenth legislative day, find the same to be correct.

Harriet Hayne, Chairman

### COMMUNICATIONS AND PETITIONS

Mr. Speaker appointed Representatives Mills and Bachini to serve on the Legislative Consulting Panel to the Microbusiness Advisory Council.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/21/93  
Correctly printed for second reading: HB 30, HB 41, HB 99, HB 110,  
HB 116, HB 130, HB 132, HB 133, HB 134, HB 137, HB 141,  
HB 147, HB 151, HB 158, HB 162, HB 168, HB 170.  
Correctly engrossed for third reading: SB 1, SJR 9.  
Correctly enrolled: HB 60. 1/20/93

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 1/20/93  
**HB 163**, introduced bill, do pass. Report adopted.  
**SB 30**, third reading copy, be concurred in. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 1/21/93  
**HB 165**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.  
Strike: "PROVIDING FOR THE COUNTY ATTORNEY TO PROSECUTE VIOLATIONS;"
2. Page 4, lines 8 through 14.  
Strike: Section 4 in its entirety  
Renummer: subsequent sections
3. Page 4, lines 20 and 23.  
Strike: "5"  
Insert: "4"

And, as amended, do pass. Report adopted.

**HB 182**, introduced bill, do pass. Report adopted.

FISH AND GAME (Foster, Chairman):

1/19/93

**HB 122**, introduced bill, do pass. Report adopted.

**HB 125**, introduced bill, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

1/21/93

**HB 124**, introduced bill, be amended as follows:

1. Title, line 8.

Following: "INDIGENTS"

Insert: "PROHIBITING OFFSETS AGAINST CONTRACT CHARGES FOR  
INDIGENT BURIALS;"

2. Page 2.

Following: line 11

Insert: "(4) A county or the department may not deduct amounts that may be recovered from a relative of a deceased indigent or recovered from resources of a deceased indigent from a contract amount due a funeral home or mortician for burial services provided under 7-4-2915 or this section."

And, as amended, do pass. Report adopted.

**HB 144**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: the second "AND"

Insert: ", "

Following: "53-7-301,"

Insert: "53-19-101, and 53-19-102,"

2. Page 6.

Following: line 25

Insert: "Section 3. Section 53-19-101, MCA, is amended to read:

"53-19-101. Purpose. The legislature, in recognition of needs of persons with severe disabilities and of the desirability of meeting those needs on a community level to the extent of available funding and in order to reduce the need for institutional care settings, establishes by this part a community program to assist persons with severe disabilities ~~in-living to live~~ and ~~functioning function~~ independently. This program implements Title VII of the federal Rehabilitation Act of 1973 (29 U.S.C. 796, et seq.), as may be amended, for persons with severe disabilities in Montana."

Section 4. Section 53-19-102, MCA, is amended to read:

"53-19-102. Definitions. As used in this part, the following definitions apply:

(1) "Community home for persons with severe disabilities" means a facility licensed by the department of family services, as provided for in 52-4-201 through 52-4-205.

(2) "Department" means the department of social and rehabilitation services established in 2-15-2201.

(3) "Disability" means a permanent physical or mental condition recognized as a disability by Title VII of the federal



Rehabilitation Act of 1973 (29 U.S.C. 796, et seq.), as may be amended.

(4) "Live and function independently" means to have control over one's life based upon a choice between acceptable options in a manner that minimizes reliance upon others for making decisions and conducting activities of daily living.

(4)(5) "Person with severe disabilities" means the same as "individual with severe handicaps" as defined in the federal Rehabilitation Act of 1973 (29 U.S.C. 706(15)(B)), as may be amended. The term includes an individual whose ability to function independently in family or community or whose ability to engage or continue in employment is so limited by the severity of his physical or mental disability that the services provided under this part are required in order for the individual to achieve a greater level of independence in functioning in family or community or in engaging in or continuing in employment."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/21/93

**HB 102**, introduced bill, do pass. Report adopted.

**HB 164**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/20/93

**HB 159**, introduced bill, do pass. Report adopted.

**HB 179**, introduced bill, be amended as follows:

1. Page 3.

Following: line 3

Insert: "NEW SECTION. Section 5. Coordination instruction. If House Bill No. 20 is passed and approved and if it abolishes the capitol building and planning committee, then the reference to "the capitol building and planning committee" in [section 2 (4) of this act] is changed to "the department of administration, in consultation with the Montana historical society"."

And, as amended, do pass. Report adopted.

**SB 66**, third reading copy, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

1/20/93

**HB 160**, introduced bill, do pass. Report adopted.

**HB 184**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.

Strike: ";" on line 8 through "COMMITTEE" on line 9

2. Page 3, line 2.

Following: "the"

Insert: "revenue oversight committee 6 months prior to the convening of the"

3. Page 3, line 8.

Following: "persons"

Insert: "representing the industry and consumers"

4. Page 3, lines 8 through 10.

Strike: "At" on line 8 through "Montana." on line 10

5. Page 3, lines 16 through 20.

Strike: section 3 in its entirety

And, as amended, do pass. Report adopted.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/20/93

**SB 58**, introduced by Swift

**SB 80**, introduced by Kennedy

**SB 136**, introduced by Gage

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 293**, introduced by McCarthy (by request of the Commissioner of Higher Education), referred to Committee on Education and Cultural Resources

**HB 294**, introduced by Larson (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**HB 295**, introduced by Foster, Koehnke, Barnett, Clark, Hansen, McCarthy, referred to Committee on Local Government

**HB 296**, introduced by Driscoll, referred to Committee on Labor and Employment Relations

**HB 297**, introduced by McCarthy (by request of the Department of Revenue), referred to Committee on Taxation

**HB 298**, introduced by Bird (by request of the Department of Revenue), referred to Committee on Taxation

**HB 299**, introduced by Wallin, Wyatt, referred to Committee on Local Government

**HB 300**, introduced by Swanson (by request of the Department of Revenue), referred to Committee on Taxation

**HB 301**, introduced by Wyatt, Wallin, Ewer, McCaffree, Dowell, referred to Committee on Local Government

**HB 302**, introduced by Wyatt, Wallin, Ewer, referred to Committee on Local Government

**HB 303**, introduced by S. Rice, referred to Committee on Local Government

**HB 304**, introduced by Kasten, Christiaens, Fisher, Wiseman, referred to Committee on Business and Economic Development

**HB 305**, introduced by Kadas, Halligan, Toole, Squires, Wanzenried, referred to Committee on Business and Economic Development

**HB 306**, introduced by McCaffree, Vaughn, Bartlett, Kennedy, referred to Committee on Local Government

**HJR 5**, introduced by Mercer, Van Valkenburg, referred to Committee on State Administration

The following Senate bills were introduced, read first time, and referred to committee:

**SB 58**, introduced by Swift, referred to Committee on Fish and Game

**SB 80**, introduced by Kennedy, referred to Committee on Human Services and Aging

**SB 136**, introduced by Gage, referred to Committee on Education and Cultural Resources

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simpkins in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 14** - Representative Sayles moved SB 14 be concurred in.

Representative J. Rice made a substitute motion SB 14 be placed at the bottom of the second reading board. Motion carried.

**HB 112** - Representative Schye moved HB 112 be passed for the day. Motion carried.

Representative Ream present at this time.

**SB 14** - Representative Ryan moved SB 14, third reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "A PERSON"

Insert: "A FAMILY MEMBER OR"

2. Page 1, line 20.

Following: "instructor"

Insert: ", family member,"

Amendment #1 passed as follows:

Ayes: Bachini, Bardanoue, Bergman, Brandewie, Clark, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Pavlovich, Peck, Ream, Russell, Ryan, Sayles, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Tunby, Tuss, Whalen, Winslow, Wiseman, Wyatt.

Total 49

Noes: Anderson, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Cobb, DeBruycker, Feland, Fisher, Foster, Grady, M. Hanson, Hayne, Hibbard, R. Johnson, Kasten, Keller, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, S. Rice, Rose, Simon, Spring, Stovall, Swanson, Tash, Toole, Vogel, Wagner, Wallin, Zook, Mr. Speaker.  
Total 40

Excused: Brown, Elliott, J. Johnson, Kadas, McCarthy, Quilici, Wanzenried.  
Total 7

Absent or not voting: Daily, Molnar, Raney, Simpkins.  
Total 4

Representative Sayles moved SB 14, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Benedict, Bergman, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kasten, Keller, Mason, McCulloch, Menahan, Molnar, Orr, Pavlovich, Raney, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Stanford, Strizich, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman.  
Total 57

Noes: Barnett, Barnhart, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Dowell, Fisher, Gilbert, Hansen, Hayne, Herron, R. Johnson, Knox, Larson, McCaffree, Mills, L. Nelson, T. Nelson, Peck, Peterson, S. Rice, Russell, Simon, Spring, Squires, Stovall, Swanson, Tash, Toole, Tunby, Wallin, Wyatt, Zook, Mr. Speaker.  
Total 37

Voted Absentee: Elliott, J. Johnson, Wanzenried, Ayes.

Excused: Brown, Kadas, McCarthy, Quilici.  
Total 4

Absent or not voting: Bardanouve, Daily.  
Total 2

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simpkins moved the adoption of the committee report. Report adopted. (71-20)

### MOTIONS

Representative Grinde moved that HB 112 be reconsidered in second reading this day. Motion carried.



**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simpkins in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 112** - Representative Ream moved HB 112 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Foster, Galvin, Gervais, Grady, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Anderson, Barnett, Benedict, Bergsagel, Boharski, DeBruycker, Ewer, Feland, Fisher, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Kasten, T. Nelson, Smith, Spring.

Total 18

Voted Absentee: Elliott, J. Johnson, Kadas, Wanzenried, Ayes.

Excused: Brown, McCarthy, Quilici.

Total 3

Absent or not voting: Daily, Simpkins.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simpkins moved the adoption of the committee report. Report adopted. (79-13)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 84** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer,

Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Bergsagel, Cobb, DeBruycker, Hibbard, Rehbein, Sayles, Tuss.  
Total 7

Voted Absentee: Elliott, J. Johnson, Wanzenried, Ayes.

Excused: Brown, Kadas, McCarthy, Quilici.  
Total 4

Absent or not voting: Daily.  
Total 1

**SJR 9** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Barnett, Boharski, DeBruycker, Kasten.  
Total 4

Voted Absentee: Elliott, J. Johnson, Wanzenried, Ayes.

Excused: Brown, Kadas, McCarthy, Quilici.  
Total 4

Absent or not voting: Daily.  
Total 1

**SB 1** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer,

Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bachini, DeBruycker, Peck.  
Total 3

Voted Absentee: Elliott, J. Johnson, Wanzenried, Ayes.

Excused: Brown, Kadas, McCarthy, Quilici.  
Total 4

Absent or not voting: Daily.  
Total 1

### **MOTIONS**

Representative J. Rice moved HB 272 be taken from the Committee on Business and Economic Development and rereferred to the Committee on Judiciary. Motion carried.

Representative Grady moved HB 112 be taken from the Committee on State Administration and rereferred to the Committee on Appropriations. Motion carried.

Representative Molnar moved HB 249 be taken from the Committee on Education and Cultural Resources and rereferred to the Committee on State Administration. Motion carried.

### **SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 241: Simon, Bohlinger, Pavlovich.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, January 22, 1993. Motion carried.

House adjourned at 2:34 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## SEVENTEENTH LEGISLATIVE DAY

Helena, Montana  
January 22, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Swanson. Pledge of Allegiance to the Flag.

Roll call. All members present except Benedict, Cobb, R. Johnson, S. Rice, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fourteenth and fifteenth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/22/93  
Correctly printed for second reading: HB 102, HB 122, HB 124, HB 125,  
HB 144, HB 159, HB 160, HB 163, HB 164, HB 165, HB 179,  
HB 182, HB 184.

Correctly engrossed for third reading: SB 14.  
Signed by the Speaker at 12:00 p.m., 1/21/93: HB 60.  
Signed by the Speaker at 9:00 a.m., 1/22/93: SB 42.  
Delivered to the Governor for his approval at 11:00 a.m., 1/22/93: HB 60.

JUDICIARY (Fagg, Chairman): 1/21/93  
**HB 127**, introduced bill, be amended as follows:

1. Title, line 5.  
Following: "EVIDENCE"  
Insert: "OF THE YOUTH'S STATEMENTS"

2. Page 2, line 9.  
Following: "evidence"  
Insert: "of statements made by the affected youth"

And, as amended, do pass. Report adopted.

**SB 24**, third reading copy, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 1/21/93  
**HB 107**, introduced bill, be amended as follows:

1. Title, lines 5 through 8.  
Following: "AN ACT"  
Strike: lines 5 through 8 in their entirety  
Insert: "ELIMINATING THE REQUIREMENT TO CONDUCT SUNRISE  
AUDITS; AMENDING SECTION 5-11-210, MCA; AND REPEALING  
SECTIONS 2-8-201, 2-8-202, 2-8-203, 2-8-204, 2-8-205, 2-8-206,  
2-8-207, 2-8-208, AND 5-4-207, MCA.""

2. Pages 1 through 3.  
Strike: everything following the enacting clause  
Insert: "Section 1. Section 5-11-210, MCA, is amended to read:

HOUSE JOURNAL  
REGULAR SESSION

"5-11-210. Clearinghouse for reports to legislature. (1) For the purposes of this section, "report" means:

(a) a document required to be prepared for the legislature as required in any of the sections listed in subsection (10); and

(b) unless otherwise provided by law, any other report required by law to be given to or filed with the legislature.

(2) On or before September 1 of each year preceding the convening of a regular session of the legislature, an entity required to report to the legislature shall provide, in writing, to the executive director of the legislative council:

(a) the final title of the report;

(b) an abstract or description of the contents of the report, not to exceed one page;

(c) a recommendation on how many copies of the report should be provided to the legislature;

(d) the reasons why the number of copies recommended is, in the opinion of the reporting entity, the appropriate number of copies;

(e) an estimated cost for each copy of the report; and

(f) the date on which the entity will deliver the final, published copies of the report to the legislature.

(3) After considering all of the information available about the report, including the number of legislators requesting copies of the report pursuant to subsection (7), the legislative council or the executive director shall, in writing, direct the reporting entity to provide a specific number of copies. The number of copies required is at the sole discretion of the legislative council. The legislative council or the executive director may require the reporting entity to mail the copies of the report.

(4) The legislative council may require that the report be submitted in an electronic format useable on the legislature's current computer hardware, in a microform, such as microfilm or microfiche, or in a CD-ROM format, meaning compact disc read-only memory.

(5) Costs of preparing and distributing a report to the legislature, including writing, printing, postage, distribution, and all other costs, accrue to the reporting agency. Costs incurred in meeting the requirements of this section may not accrue to the legislative council.

(6) The executive director of the legislative council shall cause to be prepared a list of all reports required to be presented to the legislature from the list of titles received under subsection (2).

(7) The executive director shall, as soon as possible following a general election, mail to each holdover senator, senator-elect, and representative-elect a list of the titles of the reports, along with the abstracts prepared pursuant to subsection (2)(b), available from the legislative council. The list must include a form on which each member or member-elect receiving the list may indicate the report or reports that the member or member-elect would like to receive.

(8) The executive director or the legislative council shall make copies of reports requested pursuant to subsection (7)

available to those members or members-elect by either requiring that copies be mailed pursuant to subsection (3) or by delivering copies of the reports during the first week of the legislative session.

(9) The executive director of the legislative council may keep as many copies of a report as he considers necessary, and copies of the report may be discarded at his discretion.

(10) (a) A report to the legislature includes a report required to be made by a board, bureau, commission, committee, council, department, division, fund, authority, or officer of the state or a local government in 1-11-204, 2-4-411, 2-7-104, 2-8-112, ~~2-8-203, 2-8-207, 2-8-208~~, 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 3-1-1126, 5-5-216, 5-13-304, 5-17-103, 5-18-203, 5-19-108, 10-4-102, 15-1-205, 17-4-107, 17-5-1650, 18-7-303, 19-4-201, 20-9-346, 20-25-236, 20-25-301, 22-3-107, 23-7-203, 33-22-1513, 37-1-106, 39-6-101, 39-51-407, 44-2-304, 44-13-103, 46-23-316, 53-2-1107, 53-6-110, 53-20-104, 53-21-104, 53-24-204, 53-24-210, 53-30-133, 69-1-404, 72-16-202, 75-1-203, 75-1-1101, 75-7-304, 75-10-533, 75-10-704, 76-11-203, 76-12-109, 80-7-713, 80-12-402, 82-11-161, 85-1-621, 85-2-105, 87-2-724, 87-5-123, 90-3-203, or 90-4-111.

(b) The procedure outlined in this section may also be used for a report required to be made to the legislature under the Multistate Tax Compact contained in 15-1-601, the Vehicle Equipment Safety Compact contained in 61-2-201, the Multistate Highway Transportation Agreement contained in 61-10-1101, or the Western Interstate Nuclear Compact contained in 90-5-201."

**NEW SECTION.** Section 2. Repealer. Sections 2-8-201, 2-8-202, 2-8-203, 2-8-204, 2-8-205, 2-8-206, 2-8-207, 2-8-208, and 5-4-207, MCA, are repealed."

And, as amended, do pass. Report adopted.

**HB 188**, introduced bill, do pass. Report adopted.

### **MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

1/21/93

**SB 85**, introduced by Keating

**SB 133**, introduced by Hertel

**SB 135**, introduced by Mesaros

House bills concurred in and returned to the House:

1/21/93

**HB 36**, introduced by Barnett

**HB 45**, introduced by Pavlovich

**HB 74**, introduced by Wiseman



**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 307**, introduced by DeBruycker, referred to Committee on Judiciary

**HB 308**, introduced by Kasten, Koehnke, Swift, Bruski-Maus, M. Hanson, Schye, Grady, Tash, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 309**, introduced by Kasten, Christiaens, Cobb (by request of the Department of Social and Rehabilitation Services), referred to Committee on Human Services and Aging

**HB 310**, introduced by Winslow (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**HB 311**, introduced by Winslow, referred to Committee on Business and Economic Development

**HB 312**, introduced by Foster, Gilbert, Harrington, M. Hanson, Schye, Ream (by request of the Department of Revenue), referred to Committee on Taxation

**HB 313**, introduced by Barnhart, Eck, Whalen, Bianchi, Endy, Gervais, Tuss, Stanford, Dolezal, referred to Committee on Fish and Game

**HB 314**, introduced by Raney, Fritz, Nathe, Rye, Ryan, Harper, Simon, Feland, Schwinden, Gilbert, Eck, Wanzenried, Wilson, McCulloch, Knox, Mason, Kadas, Franklin, Schye, Strizich, Toole, Brooke, McCaffree, Squires, Dowell, Grinde, Russell, Menahan, Dolezal, Driscoll, Swanson, Endy, Hibbard, Brandewie, Gage, Fagg, Beck, Wyatt, Doherty, Bird, Daily, Bianchi, Peck, Weldon, Christiaens, Cobb, Grosfield, Yellowtail, Lynch, Waterman, Burnett, Zook, Gervais, Bartlett, Mercer, Harp, J. Rice, referred to Committee on Fish and Game

**HB 315**, introduced by Simon, Christiaens, Lynch, Dolezal, J. Rice, S. Rice, Grady, Vogel, Weeding, Vaughn, McClerman, Anderson, Peterson, Schye, Harrington, Rye, Barnett, Larson, Hansen, Harding, Foster, Knox, Beck, Grosfield, Crippen, referred to Committee on Human Services and Aging

**HB 316**, introduced by Cocchiarella, Halligan, Whalen, Strizich, Toole, Russell, Squires, referred to Committee on Human Services and Aging

**HB 317**, introduced by Gilbert, Ream, Halligan, referred to Committee on State Administration

**HB 318**, introduced by S. Rice, Halligan, Fagg, Keating (by request of the Department of Health and Environmental Sciences), referred to Committee on Natural Resources

**HB 319**, introduced by Kadas, referred to Committee on State Administration

**HB 320**, introduced by Kadas, referred to Committee on State Administration

**HB 321**, introduced by Dowell, Weldon, Ream, Squires, Fisher, Kadas, Barnhart, Cocchiarella, Toole, Wanzenried, Russell, Stanford, Davis, referred to Committee on Business and Economic Development

**HB 322**, introduced by Feland, referred to Committee on Taxation

**HJR 6**, introduced by Pavlovich, Menahan, Lynch, Pipinich, referred to Committee on State Administration



The following Senate bills were introduced, read first time, and referred to committee:

**SB 85**, introduced by Keating, Jergeson, Cobb, Kadas (by request of the Legislative Audit Committee), referred to Committee on Agriculture, Livestock, and Irrigation

**SB 133**, introduced by Hertel (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**SB 135**, introduced by Mesaros (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Driscoll in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 41** - Representative Davis moved HB 41 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergsagel, Bird, DeBruycker, Gilbert, Harper, Raney, Rehbein, Wanzenried.

Total 8

Voted Absentee: S. Rice, Aye.

Excused: Benedict, Cobb, R. Johnson.

Total 3

Absent or not voting: Anderson, Simpkins.

Total 2

Representative Benedict present at this time.

**HB 99** - Representative Bardanoue moved HB 99 do pass.

Representative Molnar made a substitute motion HB 99, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (48-48)

Representative Bardanoue moved HB 99 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bergsagel, Clark, Feland, Gilbert, Grady, Kasten, Peterson, Simpkins, Tash, Wagner.

Total 10

Voted Absentee: Cobb, S. Rice, Ayes.

Excused: R. Johnson.

Total 1

Absent or not voting: Driscoll.

Total 1

**HB 110** - Representative Hibbard moved HB 110 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Boharski, Rehbein.

Total 3

Voted Absentee: S. Rice, Aye.

Excused: Cobb, R. Johnson.

Total 2

Absent or not voting: Keller.

Total 1

**HB 116** - Representative Schye moved HB 116 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Rehbein.

Total 1

Voted Absentee: S. Rice, Aye.

Excused: Cobb, R. Johnson.

Total 2

Absent or not voting: Keller.

Total 1

**HB 130** - Representative Wiseman moved HB 130 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Peck, Schwinden, Smith.  
Total 3

Voted Absentee: S. Rice, Aye.

Excused: Cobb, R. Johnson, Wiseman.  
Total 3

Absent or not voting: Hibbard.  
Total 1

Representative Wiseman excused from voting due to conflict of interest.

**HB 132** - Representative Wyatt moved HB 132 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: S. Rice, Aye.

Excused: Cobb, R. Johnson.  
Total 2

Absent or not voting: Benedict.  
Total 1

**HB 133** - Representative Foster moved HB 133 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford,



Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Boharski, Driscoll, Gilbert, Grinde, Rehbein.  
Total 6

Voted Absentee: S. Rice, Aye.

Excused: Cobb, R. Johnson.  
Total 2

Absent or not voting: T. Nelson, Peterson.  
Total 2

**HB 134** - Representative Peterson moved HB 134 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: S. Rice, Aye.

Excused: Cobb, R. Johnson.  
Total 2

Absent or not voting: Benedict.  
Total 1

**HB 137** - Representative Sayles moved HB 137 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr,

Pavlovich, Peck, Peterson, Guilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Benedict.

Total 1

Voted Absentee: S. Rice, Aye.

Excused: Cobb, R. Johnson.

Total 2

Absent or not voting: Barnett, T. Nelson.

Total 2

Representative R. Johnson present at this time.

**HB 141** - Representative Spring moved HB 141 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Guilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bergsagel.

Total 1

Voted Absentee: S. Rice, Aye.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 147** - Representative Ellis moved HB 147 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Feland, McCulloch, T. Nelson, Squires, Wanzenried, Whalen, Wyatt.  
Total 8

Voted Absentee: S. Rice, Aye.

Excused: Cobb.  
Total 1

Absent or not voting: Gervais.  
Total 1

**HB 151** - Representative Vogel moved HB 151 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Feland, Gervais, Molnar, Russell.  
Total 4

Voted Absentee: S. Rice, Aye.

Excused: Cobb.  
Total 1

Absent or not voting: None.

Total 0

**HB 158** - Representative Simon moved HB 158, second reading copy, be amended as follows (amendment #1):

1. Page 6, line 20.

Following: ":",

Insert: " the natural therapeutic substances, drugs, and therapies described in subsection (2); and"

2. Page 6, line 22 through line 24.

Following: ":",

Strike: remainder of line 22 through line 24

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Excused: Cobb, S. Rice.

Total 2

Absent or not voting: Brandewie, Grady, Peck, Schye.

Total 4

Representative Kadas moved HB 158, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,



Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Ewer, Kasten.  
Total 2

Voted Absentee: S. Rice, Aye.

Excused: Cobb.  
Total 1

Absent or not voting: Grady.  
Total 1

Representative Cobb present at this time.

**HB 162** - Representative Gervais moved HB 162 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Benedict, Bergsagel, Brandewie, DeBruycker, Elliott, M. Hanson, Kasten, McCaffree, L. Nelson, Ream, Schye, Simon, Wagner, Wanzenried.  
Total 14

Voted Absentee: S. Rice, Aye.

Excused: None.  
Total 0

Absent or not voting: Cobb, Harper.  
Total 2

**HB 168** - Representative Rehbein moved HB 168 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller,

Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergsagel.

Total 1

Voted Absentee: S. Rice, Aye.

Excused: None.

Total 0

Absent or not voting: Driscoll, Winslow.

Total 2

**HB 170** - Representative Gilbert moved HB 170 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Tash, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Barnhart, Brooke, Cocchiarella, Dowell, Hansen, Harper, Kadas, Larson, McCulloch, Peck, Russell, Sayles, Squires, Swanson, Toole, Tuss, Wanzenried.

Total 17

Voted Absentee: S. Rice, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 30** - Representative Schye moved consideration of HB 30 be passed for the day. Motion carried.

**SB 11** - Representative Cocchiarella moved SB 11 be concurred in. Motion carried as follows:

Ayes: Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook.

Total 79

Noes: Anderson, Bachini, Bergsagel, Boharski, Daily, Grinde, M. Hanson, R. Johnson, Kasten, Pavlovich, Peck, Peterson, Rehbein, Sayles, Schwinden, Simon, Spring, Whalen, Wyatt, Mr. Speaker.

Total 20

Voted Absentee: S. Rice, Aye.

Excused: None.

Total 0

Absent or not voting: Gervais.

Total 1

**SB 21** - Representative Cocchiarella moved SB 21 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: S. Rice, Aye.

Excused: None.

Total 0

Absent or not voting: Grady, Simpkins.  
Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Driscoll moved the adoption of the committee report. Report adopted. (94-4)

### **MOTIONS**

Representative Strizich moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative Tash moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative Hibbard moved HB 208 be taken from the Select Committee on Workers' Compensation and rereferred to the Committee on Labor and Employment Relations. Motion carried.

Representative DeBruycker moved he be allowed to change his vote on HB 162, second reading, from no to aye. Motion carried.

Representative Tash moved a second time that the rules be suspended to permit the late drafting and introduction of another bill. Motion failed. (46-48)

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, January 23, 1993. Motion carried.

House adjourned at 2:37 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## EIGHTEENTH LEGISLATIVE DAY

Helena, Montana  
January 23, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Bird. Pledge of Allegiance to the Flag.

Roll call. All members present except Endy, McCulloch, S. Rice, excused. Quorum present.

Mr. Speaker announced this week's pages:

Armin "A.J." Matt - Ronan (permanent page)  
Laura S. Wirth - Belt  
Erica R. Wyatt - Choteau  
Heather J. McCartney - Choteau  
Talana Schmitt - Stanford  
Melissa Madler - Baker  
Ferra M. Van Arsdale - Billings  
Ryan J. Werner - Helena

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/23/93

Correctly printed for second reading: HB 107, HB 127.

Correctly engrossed for third reading: HB 41, HB 99, HB 110, HB 116,  
HB 130, HB 132, HB 133, HB 134, HB 137, HB 141, HB 147,  
HB 151, HB 158, HB 162, HB 168, HB 170.

Examined by the sponsor and found to be correct:

HB 36 - Barnett  
HB 45 - Pavlovich  
HB 74 - Wiseman

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman):

1/22/93

**HB 104**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "THE"

Insert: "THEFT OF LIVESTOCK OR THE"

Following: ";

Insert: "ALLOWING THE DEPARTMENT OF LIVESTOCK TO RETAIN  
FORFEITED PROPERTY; ESTABLISHING A SPECIAL REVENUE  
ACCOUNT; PROVIDING A STATUTORY APPROPRIATION;"

2. Title, line 10.

Following: "SECTIONS"

Insert: "17-7-502,"

3. Page 1, line 16.

Strike: "to transport"

Insert: "in theft or transportation"

4. Page 1, line 18.

Following: "the"

Insert: "theft or"

5. Page 1, line 24.

Following: "used for"

Insert: "the theft or"

6. Page 2, line 1.

Following: "~~shall~~"

Insert: "the theft or"

7. Page 3, line 7.

Following: "the"

Insert: "theft or"

8. Page 4, line 3.

Following: "auction"

Insert: "-- retention of property"

Following: "."

Insert: "(1)"

9. Page 4, line 4.

Strike: "must"

Insert: "may"

10. Page 4.

Following: line 7

Insert: "(2) The department may retain the vehicles, equipment, and personalty forfeited under 81-5-109 for official use by the department, including personnel training. If the department retains forfeited property that it determines to be suitable for everyday use by department personnel, the department shall reduce similar property purchases accordingly."

11. Page 4, line 9.

Following: "proceeds"

Insert: "-- special revenue account"

12. Page 4, lines 9 and 10.

Strike: "The" on line 9 through "after" on line 10

Insert: "(1) After"

13. Page 4, line 10.

Strike: "keeping"

Insert: "retaining"

14. Page 4, line 13.

Following: "permit,"

Insert: "the officer making the sale or the department, if it retains the vehicle, money, equipment, or personalty,"

15. Page 4, line 18.

Following: "the"

Insert: "theft or"

16. Page 4, line 19 through line 22.

Following: "transportation"

Strike: "and" on line 19 through "training" on line 22

17. Page 4, following line 22.

Insert: "(2) There is an account in the state special revenue fund. The proceeds from the sale of vehicles, equipment, and personalty provided for in 81-5-110 must be deposited in the account. An amount up to \$20,000 each year is statutorily appropriated, as provided in 17-7-502, and must be used by the department for personnel training or enforcement purposes. Funds in excess of the statutorily appropriated \$20,000 per year must be deposited in the general fund.

Section 5. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; ~~81-5-111~~; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient

eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)""

And, as amended, do pass. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

1/22/93

**HB 148**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.

Strike: "WRITTEN AND CLINICAL"

2. Page 3, line 14.

Strike: "made in writing,"

Insert: "administered"

3. Page 3, lines 15 through 17.

Following: "colleges"

Strike: remainder of line 15 and lines 16 and 17 through "conditions"

Insert: ", on the provisions of this chapter, and on other provisions of the Montana Code Annotated pertaining to the practice of chiropractic"

And, as amended, do pass. Report adopted.

**HB 161**, introduced bill, be amended as follows:

1. Title, line 13.

Following: "SCHEDULE;"

Insert: "PROVIDING THAT MODIFICATIONS OF STANDARDS BY THE APPRAISAL FOUNDATION ARE AUTOMATICALLY EFFECTIVE UNLESS A HEARING IS CONSIDERED NECESSARY;"

2. Title, line 16.

Following: "37-54-310,"

Strike: "AND"

Following: "37-54-311,"

Insert: "AND 37-54-403,"

3. Page 7, line 15.

Following: line 14

Insert: "Section 7. Section 37-54-403, MCA, is amended to read:

"37-54-403. Standards of professional appraisal practice.

(1) A licensed or certified real estate appraiser shall comply with generally accepted standards of professional appraisal practice, evidenced by the uniform standards of professional appraisal practice promulgated by the appraisal standards board of the appraisal foundation.

(2) If the appraisal standards board of the appraisal foundation modifies the standards or issues supplemental standards that it considers appropriate for all classes of real estate appraisers ~~and requests the board to consider the adoption of the modifications or supplements, the board shall conduct a public hearing, the modification is automatically adopted as observable in~~



this state unless the board determines that a public hearing is necessary to determine whether the modified or supplemented standards must be observed in this state. If following the hearing the board determines the modified or supplemented standards are appropriate, the board shall adopt the standards by rule."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 178**, introduced bill, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (T. Nelson, Chairman): 1/21/93

**HB 174**, introduced bill, be amended as follows:

1. Page 2, line 19.

Following: "mayor"

Insert: ", city manager, or chief executive"

2. Page 3, line 6.

Following: "mayor"

Insert: ", city manager, or chief executive"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/22/93

**HB 153**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Following: "PAYROLL" on line 7

Strike: ", " on line 7 through "ADMINISTRATION" on line 8

2. Title, line 10.

Following: "2-18-404"

Strike: ", "

Insert: "AND"

3. Title, lines 11 through 13.

Following: "2-18-405" on line 11

Strike: ", 2-18-411" through "39-51-3207" on line 13

Following: "MCA" on line 13

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

4. Page 4, line 18 through page 19, line 13.

Strike: sections 6 through 22 in their entirety

Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 1993."

And, as amended, do pass. Report adopted.

**SB 76**, third reading copy, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

1/22/93

**SB 101**, third reading copy, be concurred in. Report adopted.

**SB 114**, third reading copy, be concurred in. Report adopted.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/22/93

**SB 33**, introduced by Doherty

**SB 116**, introduced by Harp

**SB 137**, introduced by Gage

**SB 138**, introduced by Gage

**SB 141**, introduced by Eck

**SB 151**, introduced by Brown

**SJR 5**, introduced by Gage

House bill concurred in and returned to the House:

1/22/93

**HB 54**, introduced by Ewer

**SB 142**, introduced by Aklestad, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 1/22/93 to the House with the following vote: (38-11).

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 323**, introduced by McCarthy, Beck, Menahan, Ryan, Ream, M. Hanson, Smith, Spring, L. Nelson, Endy, Lynch, Harrington, Quilici, Gilbert, D. Brown, Daily, Pavlovich, Grady, Grinde, referred to Committee on Judiciary

**HB 324**, introduced by Stovall, Simpkins, Brandewie, Keating, Peck, Hockett, Dolezal, Zook, Wyatt, McCaffree, Ellis, Harp, Gage, Grosfield, Bardanoue, Simon, Molnar, Wagner, referred to Committee on Education and Cultural Resources

**HB 325**, introduced by Menahan, Whalen, Daily, McCarthy, Pavlovich, Kadas, referred to Committee on Taxation

**HB 326**, introduced by Menahan, Whalen, Daily, McCarthy, Pavlovich, Raney, referred to Committee on Taxation

**HB 327**, introduced by McCaffree, Forrester, referred to Committee on Taxation

**HB 328**, introduced by Brooke, Waterman, Fagg, Swanson, Keating, Peck, Gage, Christiaens, Raney, Wanzenried, Harper, Rye, Bardanoue, Galvin, Hansen, J. Johnson, referred to Committee on State Administration

**HB 329**, introduced by Brooke, Russell, Ryan, Barnhart, Gervais, Hayne, Swanson, referred to Committee on State Administration

**HB 330**, introduced by Bird (by request of the Department of Revenue), referred to Committee on Taxation

**HB 331**, introduced by D. Brown, referred to Committee on Business and Economic Development

**HB 332**, introduced by Ewer, referred to Committee on Labor and Employment Relations

**HB 333**, introduced by Cobb (by request of the Department of Social and Rehabilitation Services), referred to Committee on Taxation

**HB 334**, introduced by Ellis, Barnett, Spring, Raney, Harper, Harrington, Cocchiarella, J. Rice, Stanford, Barnhart, Dolezal, Burnett, Grinde, Strizich, Tunby, Toole, Grosfield, Doherty, Aklestad, Nathe, Jacobson, Hertel, Devlin, referred to Committee on Taxation

**HB 335**, introduced by Toole, Boharski, Kasten, J. Rice, S. Rice, L. Nelson, Bohlinger, Yellowtail, Waterman, Peterson (by request of the Department of Social and Rehabilitation Services), referred to Committee on Judiciary

**HB 336**, introduced by Bird, Ewer, Clark, Vogel, McCaffree, Foster, Gilbert, referred to Committee on Highways and Transportation

**HB 337**, introduced by D. Brown, Forrester, Vogel, Pavlovich, Gage, Grady, Weeding, Ream, Endy, Keller, Tveit, Wagner, Grosfield, Swanson, Galvin, Clark, Peterson, Brandewie, referred to Committee on Highways and Transportation

The following Senate bills were introduced, read first time, and referred to committee:

**SB 33**, introduced by Doherty, referred to Committee on Labor and Employment Relations

**SB 116**, introduced by Harp, referred to Committee on Labor and Employment Relations

**SB 137**, introduced by Gage (by request of the Department of Justice), referred to Committee on State Administration

**SB 138**, introduced by Gage, referred to Committee on Taxation

**SB 141**, introduced by Eck (by request of the Department of Revenue), referred to Committee on Taxation

**SB 142**, introduced by Aklestad, Lynch, Gage, Halligan, J. Rice, Peterson, Menahan (by request of the Legislative Council), referred to Committee on State Administration

**SB 151**, introduced by B. Brown, Beck, Brandewie, Harper, Squires, Grady, referred to Committee on Taxation

**SJR 5**, introduced by Gage, referred to Committee on Local Government

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 30** - Representative Boharski moved consideration of HB 30 be placed below HB 179 this day. Motion carried.

**HB 102** - Representative Schye moved HB 102 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Endy, McCulloch, S. Rice.  
Total 3

Absent or not voting: Grady.  
Total 1

**HB 122** - Representative Anderson moved HB 122 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.  
Total 90

Noes: Boharski, Gilbert, Knox, McCulloch, Spring, Zook.  
Total 6

Voted Absentee: Endy, Aye; McCulloch, No.

Excused: Hibbard, S. Rice.  
Total 2

Absent or not voting: Feland, Wyatt.  
Total 2



Representative Hibbard excused from voting due to conflict of interest.

**HB 163** - Representative Herron moved HB 163 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Grinde.  
Total 1

Voted Absentee: McCulloch, Aye.

Excused: Endy, S. Rice.  
Total 2

Absent or not voting: Feland.  
Total 1

**HB 164** - Representative Larson moved HB 164 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Barnett, Boharski, Brown, DeBruycker, Ellis, Fisher, T. Nelson, Peterson.  
Total 8

Voted Absentee: McCulloch, Aye.

Excused: Endy, S. Rice.

Total 2

Absent or not voting: None.

Total 0

**HB 165** - Representative Larson moved HB 165 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wyatt, Mr. Speaker.

Total 77

Noes: Bergsagel, Boharski, Clark, Cobb, DeBruycker, Feland, Grinde, H.S. Hanson, R. Johnson, Kasten, L. Nelson, Peck, Peterson, Rehbein, Stovall, Tunby, Winslow, Wiseman, Zook.

Total 19

Voted Absentee: McCulloch, Aye.

Excused: Endy, S. Rice.

Total 2

Absent or not voting: Harrington, Whalen.

Total 2

**HB 124** - Representative McCaffree moved HB 124 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bird, Brown, Dolezal, R. Johnson, Kasten, Peck, Peterson, Ryan, Simon, Winslow.

Total 10

Voted Absentee: McCulloch, Aye.

Excused: Endy, S. Rice.

Total 2

Absent or not voting: None.

Total 0

**HB 144** - Representative Stanford moved HB 144 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: Endy, S. Rice.

Total 2

Absent or not voting: None.

Total 0

**HB 159** - Representative Pavlovich moved HB 159 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Cobb.  
Total 2

Voted Absentee: Endy, McCulloch, Ayes.

Excused: S. Rice.  
Total 1

Absent or not voting: Tash.  
Total 1

**HB 179** - Representative Ryan moved HB 179 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: Endy, S. Rice.  
Total 2

Absent or not voting: Whalen.  
Total 1

**HB 30** - Representative Boharski moved HB 30, second reading copy, be amended as follows (amendment #1):

1. Title, line 10.

Following: ";

Insert: "REVISING TIME PERIODS FOR ACTING ON A PERMIT APPLICATION;"

2. Title, line 12.

Following: line 11

Insert: "75-7-212,"

3. Page 2, line 3.

Strike: "8"



Insert: "9"

4. Page 4, line 11.

Strike: "8(2)"

Insert: "9(2)"

5. Page 4, line 24.

Strike: "7"

Insert: "8"

6. Page 5, line 15.

Following: line 14

Insert: "Section 5. Section 75-7-212, MCA, is amended to read:

"75-7-212. Issuance of permit. (1) Unless the applicant agrees to an extension of time, if a variance under 75-7-213 may be necessary, the governing body shall grant or deny permission for the work within 90 60 days of receiving an application for a permit. If a variance is not necessary, the governing body shall grant or deny permission for the work within 30 days of receiving an application for a permit.

(2) If the governing body finds that the proposed work conforms to the criteria for issuing a permit, it shall issue a permit or conditional permit.

(3) If the governing body finds that the work does not conform to the criteria, it shall deny the application."

Renumber: subsequent sections

7. Page 7, lines 15 and 18.

Strike: "6"

Insert: "7"

Strike: "8"

Insert: "9"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, J. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 74

Noes: Barnhart, Bird, Brooke, Dowell, Ewer, Galvin, Harper, Harrington, Kadas, Larson, McCaffree, McCarthy, Menahan, L. Nelson, Raney, Ream, Russell, Schwinden, Swanson, Wanzenried, Whalen, Wyatt.  
Total 22

Excused: Endy, McCulloch, S. Rice.  
Total 3

Absent or not voting: Squires.

Total 1

Representative Driscoll moved HB 30, as amended, do pass.

Representative Wiseman made a substitute motion to revert to the body of the bill for the purpose of amendment (amendment #2). Amendment #2 failed as follows: (17-81)

Representative Driscoll moved HB 30, as amended, do pass.

After a lengthy debate, Representative Elliott made a motion for cloture on HB 30. Motion carried as follows: (85-8)

Representative Driscoll moved his original motion that HB 30, as amended, do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Foster, Gervais, Gilbert, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Anderson, Bergman, Bergsagel, Boharski, Cobb, Dowell, Fisher, Galvin, Grimes, Grinde, Hayne, Herron, R. Johnson, Mills, Orr, Peterson, Rehbein, Ryan, Simpkins, Spring, Wagner, Wanzenried, Wiseman.

Total 23

Voted Absentee: Harrington, McCulloch, S. Rice, Ayes.

Excused: Endy.

Total 1

Absent or not voting: None.

Total 0

**HB 160** - Representative DeBruycker moved HB 160 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck,

Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Spring, Whalen.  
Total 2

Voted Absentee: McCulloch, Aye.

Excused: Endy, S. Rice.  
Total 2

Absent or not voting: Simpkins.  
Total 1

**HB 182** - Representative Bachini moved HB 182 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: Endy, S. Rice.  
Total 2

Absent or not voting: Harrington.  
Total 1

**HB 184** - Representative T. Nelson moved HB 184 do pass. Motion failed as follows:

Ayes: Anderson, Bachini, Benedict, Brandewie, Brown, Cobb, Driscoll, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, H.S. Hanson, M. Hanson, Keller, McCaffree, McCulloch, Menahan, T. Nelson, Orr, Raney, Ream, Rehbein, Sayles, Toole, Tunby, Wallin.  
Total 28

Noes: Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Grady, Grinde, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCarthy, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, J. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Voted Absentee: McCulloch, Aye; Endy, No.

Excused: S. Rice.

Total 1

Absent or not voting: None.

Total 0

**HB 125** - Representative Vogel moved HB 125 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feländ, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: M. Hanson, Ream.

Total 2

Voted Absentee: McCulloch, Aye.

Excused: Endy, S. Rice.

Total 2

Absent or not voting: Bird, Simon.

Total 2

**SB 30** - Representative DeBruycker moved SB 30, third reading copy, be amended as follows (amendment #1):

1. Title, line 8.

Following: "PROGRAM;"

Strike: "AND"



2. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, line 25.

Following: line 24

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1993."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Endy, McCulloch, S. Rice.

Total 3

Absent or not voting: Grady, Harrington.

Total 2

Representative DeBruycker moved SB 30, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Kasten, Wanzenried.

Total 2

Voted Absentee: McCulloch, Aye.

Excused: Endy, S. Rice.

Total 2

Absent or not voting: Harrington, Simon.

Total 2

**SB 66** - Representative Pavlovich moved SB 66 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: Endy, S. Rice.

Total 2

Absent or not voting: Benedict, Gervais, Harrington.

Total 3

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved the adoption of the committee report. Report adopted. (90-6)

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, January 25, 1993. Motion carried.

House adjourned at 10:06 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## NINETEENTH LEGISLATIVE DAY

Helena, Montana  
January 25, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by the Very Reverend Stephen Brehe, Rector and Dean of St. Peter's Episcopal Cathedral. Pledge of Allegiance to the Flag.

Roll call. All members present except H. S. Hanson, Kasten, Whalen, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the sixteenth legislative day, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/25/93  
Correctly printed for second reading: HB 104, HB 148, HB 153, HB 161, HB 174, HB 178, HB 188.  
Correctly engrossed for third reading: HB 30, HB 102, HB 122, HB 124, HB 125, HB 144, HB 159, HB 160, HB 163, HB 164, HB 165, HB 179, HB 182, SB 11, SB 21, SB 30, SB 66.  
Correctly enrolled: HB 36, HB 45, HB 74.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman): 1/22/93  
**HB 100**, introduced bill, be amended as follows:

1. Title, line 5.  
Following: "DESIGNATE"  
Strike: "AND CONSTRUCT"
2. Page 2, line 6.  
Following: "place."  
Strike: "The"  
Insert: "Except as provided in subsection (4), the"
3. Page 2, line 7.  
Following: "designate"  
Strike: "and construct"
4. Page 2, line 20.  
Following: line 19  
Insert: "(4) If the department of transportation or local authorities within their respective jurisdictions determine that a part of a highway is scheduled for resurfacing or reconstruction, the department is relieved of the obligation to sign designated turnouts in that area under subsection (2) until the resurfacing or reconstruction is completed."

And, as amended, do pass. Report adopted.

**HB 140**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "\$20"

Insert: "\$10"

2. Title, lines 6 through 8.

Following: "DEPOSITING" on line 6

Strike: remainder of line 6 through "REMAINING" on line 8

3. Title, line 10.

Following: "3-10-601"

Insert: ", 44-2-702,"

4. Page 3, lines 1 and 2.

Following: "shall" on line 1

Strike: remainder of line 1 through "treasurer" on line 2

Insert: "distribute"

5. Page 3, line 2.

Following: "61-8-718"

Strike: ". The"

Insert: "as follows:

(a) 25% to the county general fund; and

(b) 75% to the"

6. Page 3, line 3.

Following: "treasurer"

Insert: ", who"

7. Page 3, lines 5 through 7.

Following: "44-2-701" on line 5

Strike: remainder of line 5 through "purposes" on line 7

Insert: "and shall distribute the remainder in accordance with subsection (4)"

8. Page 3, lines 13 and 14.

Strike: "\$20"

Insert: "\$10"

9. Page 3, line 19.

Following: line 18

Insert: "       Section 3. Section 44-2-702, MCA, is amended to read:  
      "44-2-702. Montana drug abuse resistance education  
      program. (1) The Montana board of crime control shall use the  
      money in the Montana drug abuse resistance education trust fund  
      account established by 44-2-701 to fund services and activities  
      operated by nonprofit, private, community-based educational and  
      service organizations, units of local government, or school districts  
      if those services and activities relate solely to the development,  
      enhancement, and expansion of drug abuse resistance education  
      in Montana.



(2) In administering the Montana drug abuse resistance education program, the Montana board of crime control shall:

(a) identify priorities for funding services, activities, and criteria for the receipt of program funds;

(b) monitor the expenditure of funds by organizations receiving funds under this section;

(c) evaluate the effectiveness of services and activities under this section; and

(d) adopt rules necessary to implement 3-10-601(5), 44-2-703, 44-2-704, and this section."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 180**, introduced bill, be amended as follows:

1. Page 1, line 17.

Following: "apparatus,"

Insert: "trailers used to apply fertilizer in the field,"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/22/93

**HB 150**, introduced bill, do pass. Report adopted.

**SB 67**, third reading copy, be concurred in. Report adopted.

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

1/23/93

**HB 20**, introduced by Menahan

**HB 37**, introduced by Brown

**HB 55**, introduced by Davis

Senate bills passed and transmitted to the House for concurrence:

1/23/93

**SB 49**, introduced by Bianchi

**SB 63**, introduced by Weldon

**SB 73**, introduced by Devlin

**SB 134**, introduced by Christiaens

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 338**, introduced by Ream, Forrester, referred to Committee on Fish and Game

**HB 339**, introduced by Driscoll, referred to Committee on Business and Economic Development

**HB 340**, introduced by D. Brown, Fagg, Christiaens, Strizich, Larson, Daily, Grady, Gage, Harp, Koehnke, Forrester, Kennedy, Driscoll, referred to Committee on Judiciary

**HB 341**, introduced by Harper, Brandewie, Mercer, Larson, Crippen, Simon, Davis, Raney, referred to Committee on Fish and Game

**HB 342**, introduced by Strizich, D. Brown, Gilbert, Grosfield, Wanzenried, referred to Committee on Local Government

**HB 343**, introduced by D. Brown, Gilbert, Grosfield, Anderson, Wanzenried, referred to Committee on Local Government

**HB 344**, introduced by D. Brown, Gilbert, Grosfield, Schye, Anderson, Wanzenried, referred to Committee on Local Government

**HB 345**, introduced by Menahan, Whalen, Raney, Harper, referred to Committee on Natural Resources

**HB 346**, introduced by Benedict, Rye, Jacobson, Zook, Weeding, Grosfield, Grimes, Wagner, Orr, Davis, Pavlovich, Quilici, J. Rice, Jergeson, Harp, Bird, referred to Committee on Judiciary

**HB 347**, introduced by Hansen, referred to Select Committee on Workers' Compensation

**HB 348**, introduced by Molnar, referred to Committee on Education and Cultural Resources

**HB 349**, introduced by Ryan, McCulloch, Gilbert, Menahan, Quilici, Harp, Wilson, Russell, Strizich, referred to Committee on Business and Economic Development

**HB 350**, introduced by Mason, Koehnke, Harp, Clark, Weeding, Driscoll, referred to Committee on Natural Resources

**HB 351**, introduced by Harper

**HB 352**, introduced by Molnar, Dolezal, Raney, Mills, referred to Committee on Natural Resources

**HJR 7**, introduced by Davis, referred to Committee on Human Services and Aging

The following Senate bills were introduced, read first time, and referred to committee:

**SB 49**, introduced by Bianchi, referred to Committee on Local Government

**SB 63**, introduced by Weldon, referred to Committee on Local Government

**SB 73**, introduced by Devlin, referred to Committee on Agriculture, Livestock, and Irrigation

**SB 134**, introduced by Christiaens, Fagg, Wyatt, Tuss, referred to Committee on Business and Economic Development

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative L. Nelson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 107** - Representative Cobb moved HB 107 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Boharski, Brooke, Dowell, Kadas, Squires, Wanzenried.  
Total 6

Voted Absentee: Kasten, Aye.

Excused: H.S. Hanson, Whalen.  
Total 2

Absent or not voting: Foster.  
Total 1

Representative Kasten present at this time.

**HB 127** - Representative Peck moved HB 127 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Brown, Gilbert, T. Nelson.  
Total 3

Excused: H.S. Hanson, Whalen.  
Total 2

Absent or not voting: Foster.

Total 1

**HB 188** - Representative R. Johnson moved HB 188 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, DeBruycker, Ellis, Endy, Fagg, Fisher, Grady, Grimes, Grinde, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.

Total 63

Noes: Barnhart, Bird, Brooke, Brown, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ewer, Feland, Foster, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, Larson, McCulloch, Ream, Russell, Ryan, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Wiseman, Wyatt.

Total 35

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: None.

Total 0

**SB 24** - Representative McCulloch moved SB 24 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Cobb, Gilbert, Rehbein.

Total 3

Excused: H.S. Hanson, Whalen.

Total 2



Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman L. Nelson moved the adoption of the committee report. Report adopted. (92-3)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 14** concurred in as follows:

Ayes: Anderson, Bachini, Benedict, Bergman, Bergsagel, Bird, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Tuss, Vogel, Wagner, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Bardanouve, Barnett, Barnhart, Boharski, Bohlinger, Brooke, Fisher, Hayne, McCaffree, T. Nelson, S. Rice, Russell, Simon, Stovall, Toole, Tunby, Wallin.  
Total 17

Excused: H.S. Hanson, Whalen.  
Total 2

Absent or not voting: None.  
Total 0

**HB 41** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bergsagel, DeBruycker, Dowell, Gilbert, Harper, Kadas, Raney, Rehbein, Schye, Wanzenried.

Total 10

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: Ellis.

Total 1

**HB 99** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Kasten, Molnar, Wagner.

Total 4

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: None.

Total 0

**HB 110** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, Rehbein.

Total 2

Excused: H.S. Hanson, Whalen.  
Total 2

Absent or not voting: Ellis.  
Total 1

**HB 116** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: H.S. Hanson, Whalen.  
Total 2

Absent or not voting: None.  
Total 0

**HB 130** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Schwinden.  
Total 1

Excused: H.S. Hanson, Whalen.  
Total 2

Absent or not voting: Molnar.

Total 1

**HB 132** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: Benedict.

Total 1

**HB 133** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, J. Rice, S. Rice, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Bergsagel, Boharski, Cobb, Dowell, Driscoll, Gervais, Grinde, Herron, L. Nelson, Peck, Raney, Rehbein, Russell, Squires, Wagner.

Total 15

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: Rose.

Total 1



**HB 134** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: Bohlinger, Vogel, Wiseman.

Total 3

**HB 137** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: Bergman.

Total 1

**HB 141** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel.

Total 1

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: Bohlinger.

Total 1

**HB 147** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: T. Nelson.

Total 1

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: None.

Total 0

**HB 151** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Cocchiarella, Dowell, Driscoll, Feland, Gervais, Molnar, Russell.  
Total 7

Excused: H.S. Hanson, Whalen.  
Total 2

Absent or not voting: None.  
Total 0

**HB 158** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Ewer, Kasten.  
Total 2

Excused: H.S. Hanson, Whalen.  
Total 2

Absent or not voting: Smith.  
Total 1

**HB 162** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker,

Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Anderson, Benedict, Bergsagel, Boharski, Brandewie, Dowell, Gilbert, Grinde, M. Hanson, Harper, Hayne, Kasten, L. Nelson, Rehbein, Schye, Simon, Wagner, Wanzenried.

Total 18

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: None.

Total 0

**HB 168** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Driscoll.

Total 2

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: Vogel.

Total 1

**HB 170** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Mason,



McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bachini, Barnhart, Cocchiarella, Dowell, Driscoll, Hansen, Harper, R. Johnson, Kadas, Larson, McCulloch, Peck, Raney, Russell, Squires, Wanzenried.

Total 16

Excused: H.S. Hanson, Whalen.

Total 2

Absent or not voting: Wiseman.

Total 1

Representative Whalen present at this time.

**SB 11** concurred in as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Orr, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.

Total 73

Noes: Anderson, Bachini, Barnett, Bergsagel, Bird, Boharski, Daily, Driscoll, Feland, Gilbert, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Rehbein, Spring, Stovall, Wyatt, Zook.

Total 26

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**SB 21** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason,

HOUSE JOURNAL  
REGULAR SESSION

McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bachini, Gilbert, Grinde, T. Nelson, Rehbein, Stovall.

Total 6

Excused: H.S. Hanson.

Total 1

Absent or not voting: Brooke.

Total 1

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 314: Elliott, Ream, Tuss, Hansen.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, January 26, 1993. Motion carried.

House adjourned at 1:52 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## TWENTIETH LEGISLATIVE DAY

Helena, Montana  
January 26, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Kasten. Pledge of Allegiance to the Flag.

Roll call. All members present except Brown, Driscoll, Larson, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventeenth and eighteenth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/26/93  
Correctly printed for second reading: HB 100, HB 140, HB 150, HB 180.  
Correctly engrossed for third reading: HB 107, HB 127, HB 188, SB 24.  
Examined by the sponsor and found to be correct:  
HB 54 - Ewer  
Signed by the Speaker at 3:00 p.m., 1/25/93: HB 36, HB 45, HB 74, SB 2.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman): 1/25/93  
**HB 43**, introduced bill, do pass. Report adopted.  
**HB 194**, introduced bill, do pass. Report adopted.  
**HB 224**, introduced bill, do pass and be placed on the consent calendar.  
Report adopted. 1/26/93

HUMAN SERVICES AND AGING (Boharski, Chairman): 1/26/93  
**SB 6**, third reading copy, be concurred in. Report adopted.  
**SB 7**, third reading copy, be amended as follows:

1. Page 3, line 12.  
Strike: "three"  
Insert: "four"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman): 1/22/93  
**HB 128**, introduced bill, be amended as follows:

1. Title, line 7.  
Following: "PROGRAM;"  
Insert: "PROVIDING FOR NOTICE AND A PUBLIC MEETING BEFORE A  
LOCAL GOVERNMENT ENTITY DISTRIBUTES DRIVER'S LICENSE  
REINSTATEMENT FEE MONEY TO GOVERNMENT AND PRIVATE  
ENTITIES TO BE USED FOR PROGRAMS RELATING TO  
SUBSTANCE ABUSE, MINORS' PROBLEMS, AND LAW  
ENFORCEMENT TRAINING AND EQUIPMENT;"

2. Title, line 7.  
Strike: "SECTION"

Insert: "SECTIONS"

Following: "61-2-106"

Insert: "AND 61-2-107"

3. Page 2, line 4.

Following: "publication in"

Insert: "the public service announcements section of"

4. Page 2, line 25.

Following: line 24

Insert: "Section 2. Section 61-2-107, MCA, is amended to read:

"61-2-107. (Temporary) License reinstatement fee to fund county drinking and driving prevention programs -- balance transferred. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of \$100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) (a) The department shall deposit one-half of the fees collected under subsection (1) in the general fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108.

(b) The remaining fees collected under subsection (1) that are not allocated under subsection (2)(a) must be deposited in the general fund. On or before June 30, 1993, the department shall transfer to the general fund the balance of money in the state special revenue account collected as license reinstatement fees. (Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

61-2-107. (Effective July 1, 1993) License reinstatement fee to fund ~~county drinking and driving prevention programs relating to substance abuse, minors' problems, and law enforcement training and equipment.~~ (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or 61-8-402 must remain suspended or revoked until the driver has paid to the department a fee of \$100 in addition to any other fines, forfeitures, and penalties assessed as a result of conviction for a violation of the traffic laws of the state.

(2) (a) The department shall deposit one-half of the fees collected under subsection (1) in the general fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108.

(b) The remaining fees collected under subsection (1) that are not allocated under subsection (2)(a) must be deposited in an account in the state special revenue fund to be distributed to county treasurers. The department shall distribute to each county treasurer money in the account collected as license reinstatement fees in that county. The county treasurer shall distribute the money to each incorporated city or town in the county in the ratio that the population of the incorporated city or town bears to the total population of incorporated cities or towns in the county,



based on figures provided by the most recent official census. An incorporated city or town shall distribute the money to state and local government entities, and private entities working with state and local government entities, that operate programs within the county that address the problems and concerns of minors, including but not limited to substance abuse and delinquency and chemical-free youth facilities and programs. Up to one-half of the money distributed under this subsection (b) may be used for adult chemical dependency programs and law enforcement training agencies within the respective jurisdiction. Before a local government entity distributes money to a state or local government or private entity for the operation of programs referred to in this subsection (b), the distributing government entity shall, after at least 7 days' notice of the meeting by publication in the public service announcements section of a newspaper of general circulation in the county, hold a public meeting on the entities to and purposes for which the money should be distributed."

And, as amended, do pass. Report adopted.

**HB 142**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "\$1,000"

Insert: "\$500"

2. Page 17, lines 16 and 18.

Page 19, line 12.

Page 21, line 25.

Page 22, line 9.

Page 23, lines 15 and 19.

Page 24, lines 13 and 17.

Page 25, line 12.

Page 26, line 12.

Page 27, line 24.

Page 29, line 9.

Page 30, line 2.

Strike: "\$1,000"

Insert: "\$500"

3. Page 27, lines 2 and 3.

Strike: "that" on line 2 through "person's" on line 3

Insert: "the"

Following: "condition" on line 3

Insert: "of the person making or directing another to make the statement"

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (T. Nelson, Chairman): 1/26/93

Adverse Committee Report

**HB 138**, do not pass.

#### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 1/25/93

**HB 28**, introduced by Hansen

**HB 77**, introduced by Bardanouve

**HB 80**, introduced by McCaffree

**HB 85**, introduced by Bardanouve

Senate bills passed and transmitted to the House for concurrence:

1/25/93

**SB 92**, introduced by Klampe

**SB 106**, introduced by Gage

**SB 139**, introduced by Towe

**SB 152**, introduced by Franklin

#### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer

January 25, 1993

Speaker of the House

State Capitol

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 60 on January 25, 1993.

Sincerely,

MARC RACICOT

Governor

#### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 353**, introduced by Wanzenried, referred to Committee on Taxation

**HB 354**, introduced by Harper, Raney, Simon, Gilbert, Beck, Doherty, referred to Committee on Fish and Game

**HB 355**, introduced by Harper, Weldon, Davis, Ream, Ewer, Russell, Squires, Toole, Ryan, Wyatt, Galvin, Gervais, Grady, Eck, Strizich, Cocchiarella, Menahan, Whalen, Doherty, Tunby, McCaffree, Pavlovich, Pipinich, Dowell, Kadas, Stovall, Mills, Cobb, referred to Committee on Business and Economic Development

**HB 356**, introduced by Gilbert (by request of the Montana Public Service Commission), referred to Committee on Highways and Transportation

**HB 357**, introduced by Fagg, Halligan, Lynch, B. Brown, D. Brown, Wanzenried, Anderson, Grosfield, Harp, Jacobson, Kennedy, Weeding, referred to Committee on Judiciary

**HB 358**, introduced by Barnett, Swift, Bachini, Christiaens, Hibbard, referred to Committee on Business and Economic Development

The following Senate bills were introduced, read first time, and referred to committee:

**SB 92**, introduced by Klampe, referred to Committee on Local Government

**SB 106**, introduced by Gage (by request of the Department of Revenue), referred to Committee on Local Government

**SB 139**, introduced by Towe, referred to Committee on Local Government

**SB 152**, introduced by Franklin, S. Rice, Simon, Grosfield, Christiaens, Blaylock, Squires, Rye, Strizich, Kadas, referred to Committee on Human Services and Aging

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Benedict in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Cobb excused at this time.

**HB 104** - Representative Rose moved HB 104 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Gilbert, Russell, Whalen.

Total 3

Voted Absentee: Brown, Larson, Ayes.

Excused: Cobb, Driscoll.  
Total 2

Absent or not voting: Benedict.  
Total 1

**HB 148** - Representative Ellis moved HB 148 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Voted Absentee: Larson, Aye.

Excused: Brown, Cobb, Driscoll.  
Total 3

Absent or not voting: Benedict.  
Total 1

**HB 153** - Representative Bardanouve moved HB 153 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0



Voted Absentee: Larson, Aye.

Excused: Brown, Cobb, Driscoll.  
Total 3

Absent or not voting: None.  
Total 0

**HB 161** - Representative Mason moved HB 161 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Fisher.  
Total 1

Voted Absentee: Larson, Aye.

Excused: Brown, Cobb, Driscoll.  
Total 3

Absent or not voting: None.  
Total 0

**HB 174** - Representative Clark moved HB 174 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Voted Absentee: Driscoll, Larson, Ayes.

Excused: Brown, Cobb.

Total 2

Absent or not voting: None.

Total 0

**HB 178** - Representative Mason moved HB 178 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: McCaffree, Raney, Schwinden, Wanzenried.

Total 4

Voted Absentee: Larson, Aye.

Excused: Brown, Cobb, Driscoll.

Total 3

Absent or not voting: Toole.

Total 1

**SB 76** - Representative Bardanouve moved SB 76 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson,

Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen,  
Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: McCaffree.  
Total 1

Voted Absentee: Larson, Aye.

Excused: Brown, Cobb, Driscoll.  
Total 3

Absent or not voting: None.  
Total 0

**SB 101** - Representative Harrington moved SB 101 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: DeBruycker, Rehbein.  
Total 2

Voted Absentee: Larson, Aye.

Excused: Brown, Cobb, Driscoll.  
Total 3

Absent or not voting: None.  
Total 0

**SB 114** - Representative M. Hanson moved SB 114 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar,

L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Larson, Aye.

Excused: Brown, Cobb, Driscoll.

Total 3

Absent or not voting: Smith.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Benedict moved the adoption of the committee report. Report adopted. (90-0)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Representative Driscoll present at this time.

**HB 30** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Gervais, Gilbert, Grady, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Anderson, Bergman, Bergsagel, Boharski, Clark, Cobb, Dowell, Fisher, Galvin, Grimes, Grinde, M. Hanson, Hayne, Herron, R. Johnson, L. Nelson, Peterson, Rehbein, Rose, Ryan, Sayles, Simpkins, Spring, Wagner, Wanzenried, Wiseman.

Total 26

Voted Absentee: Brown, Aye; Cobb, No.

Excused: Larson.

Total 1



Absent or not voting: None.

Total 0

**HB 102** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Brown, Cobb, Larson.

Total 3

Absent or not voting: Molnar.

Total 1

**HB 122** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Brown, Cobb, Larson.

Total 3

Absent or not voting: Galvin.

Total 1

**HB 124** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Dolezal, Gilbert, R. Johnson, Kasten, L. Nelson, Peterson, Spring.

Total 7

Excused: Brown, Cobb, Larson.

Total 3

Absent or not voting: None.

Total 0

**HB 125** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Dowell, M. Hanson.

Total 2

Voted Absentee: Brown, Aye.

Excused: Cobb, Larson.

Total 2

Absent or not voting: Brooke, McCulloch, Wiseman.

Total 3

**HB 144** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Brown, Cobb, Larson.  
Total 3

Absent or not voting: None.  
Total 0

**HB 159** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel, Cobb.  
Total 2

Voted Absentee: Brown, Aye; Cobb, No.

Excused: Larson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 160** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Whalen.  
Total 1

Excused: Brown, Cobb, Larson.  
Total 3

Absent or not voting: Bird.  
Total 1

**HB 163** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Peck.  
Total 1

Excused: Brown, Cobb, Larson.  
Total 3

Absent or not voting: None.  
Total 0



**HB 164** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Boharski, DeBruycker, Herron, T. Nelson, Peck, Peterson.  
Total 6

Excused: Brown, Cobb, Larson.  
Total 3

Absent or not voting: None.  
Total 0

**HB 165** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 81

Noes: Boharski, DeBruycker, Feland, H.S. Hanson, Hayne, R. Johnson, Kasten, L. Nelson, Peck, Peterson, Rehbein, Simpkins, Stovall, Tunby, Zook.  
Total 15

Excused: Brown, Cobb, Larson.  
Total 3

Absent or not voting: Rose.  
Total 1

**HB 179** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark,

Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.

Total 0

Excused: Brown, Cobb, Larson.

Total 3

Absent or not voting: None.

Total 0

**HB 182** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Brown, Cobb, Larson.

Total 3

Absent or not voting: Foster.

Total 1

**SB 30** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas,

Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Wanzenried.  
Total 1

Excused: Brown, Cobb, Larson.  
Total 3

Absent or not voting: None.  
Total 0

**SB 66** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Brown, Cobb, Larson.  
Total 3

Absent or not voting: Foster.  
Total 1

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, January 27, 1993. Motion carried.

House adjourned at 1:45 p.m.

Marilyn Miller, Chief Clerk

John Mercer, Speaker





## TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana  
January 27, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Pastor Cliff Gronneberg. Pledge of Allegiance to the Flag.

Roll call. All members present except Keller, Vogel, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the nineteenth and twentieth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/27/93  
Correctly printed for second reading: HB 43, HB 128, HB 142, HB 194, HB 224.  
Correctly engrossed for third reading: HB 104, HB 148, HB 153, HB 161, HB 174, HB 178, SB 76, SB 101, SB 114.  
Correctly enrolled: HB 54, HB 55.  
Examined by the sponsor and found to be correct:  
HB 55 - Davis  
Delivered to the Governor for his approval at 12:30 p.m., 1/27/93: HB 36, HB 45, HB 74.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 1/26/93

**HB 191**, introduced bill, be amended as follows:

1. Title, line 12.  
Following: ";"  
Insert: "AND"
2. Title, lines 13 and 14.  
Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
3. Page 17, lines 11 and 12.  
Strike: section 4 in its entirety

And, as amended, do pass. Report adopted.

**SB 83**, third reading copy, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman): 1/26/93  
**HB 197**, introduced bill, be amended as follows:

1. Title, line 6.  
Following: "TRANSPORTATION"  
Insert: ", AS FUNDS BECOME AVAILABLE,"  
Following: "ERECT"  
Insert: "AND MAINTAIN"

2. Page 2, line 23.

Following: "shall"

Insert: ", as funds are available under subsection (4),"

Following: "erect"

Insert: "and maintain"

And, as amended, do pass. Report adopted.

**HB 209**, introduced bill, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

1/26/93

**HB 118**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "ACT;"

Insert: "DEFINING "DAY CARE" TO EXCLUDE CARE PROVIDED BY A  
PARENT OR OTHER PERSON LIVING WITH THE CHILD AS A  
PARENT;"

2. Title, line 11.

Following: "PAYMENTS;"

Insert: "ALLOWING A FAMILY DAY-CARE HOME TO PROVIDE CARE FOR  
CHILDREN FROM THE SAME FAMILY;"

3. Page 1, line 18.

Following: "means"

Strike: remainder of line 18

4. Page 1, line 19.

following: "care for children"

Insert: "provided by an adult, other than a parent of the children or other  
person living with the children as a parent, on a regular basis for  
daily periods of less than 24 hours"

5. Page 2, lines 19 and 20.

Strike: "from separate families"

6. Page 2, line 22.

Strike: "place"

Insert: "other structure"

And, as amended, do pass. Report adopted.

**SB 34**, third reading copy, be amended as follows:

1. Page 4.

Following: line 4

Insert: "(6) Staffing and other resources may be provided to the  
coordinating council only from state and nonstate resources  
donated to the council and not from direct appropriations by the  
legislature."

And, as amended, be concurred in. Report adopted.

**SB 43**, third reading copy, be concurred in. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman):

1/27/93

**HB 139**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "UTILITIES;"

Insert: "DETERMINING LIABILITY FOR DAMAGES INCURRED OR  
SUFFERED BY LAND SURVEYORS;"

2. Page 2, line 1.

Strike: "give"

Insert: "obtain"

3. Page 2, line 2.

Strike: "notification to"

Insert: "approval from"

4. Page 2, line 4.

Following: "exposure."

Insert: "The governing authority is not liable for any damages caused or  
suffered by the registered land surveyor or any person under the  
supervision of the registered land surveyor."

5. Page 2, line 6.

Following: "destruction"

Insert: ", and any public utility, municipal corporation, or other person  
having the right to bury underground facilities within the public  
street, alley, right-of-way, or utility easement is not liable for any  
damages suffered by the registered land surveyor or any person  
under the control of the registered land surveyor"

And, as amended, do pass. Report adopted.

**HB 203**, introduced bill, do pass. Report adopted.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/26/93

**SB 111**, introduced by Harp

**SB 132**, introduced by Stang

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to  
committee:

**HB 359**, introduced by Cobb, Kasten, referred to Committee on Human  
Services and Aging

**HB 360**, introduced by Bachini, Pavlovich, Larson, Brandewie, Benedict, McCaffree, Beck, Gage, Harp, Rye, Lynch, Hockett, referred to Committee on Taxation

**HB 361**, introduced by Hibbard, Harp (by request of the State Fund), referred to Select Committee on Workers' Compensation

**HB 362**, introduced by Bardanouve, referred to Committee on Taxation

**HB 363**, introduced by J. Rice, Doherty, referred to Committee on Taxation

**HB 364**, introduced by Mercer, Harding, referred to Committee on Local Government

**HB 365**, introduced by Rose, referred to Committee on Natural Resources

**HB 366**, introduced by Rose (by request of the Department of Agriculture), referred to Committee on Agriculture, Livestock, and Irrigation

**HB 367**, introduced by Wyatt, Wallin, Dowell, McCaffree, Brandewie, referred to Committee on Local Government

**HB 368**, introduced by Wyatt, Wallin, Hansen, Dowell, McCaffree, Brandewie, referred to Committee on Local Government

**HB 369**, introduced by M. Hanson, Yellowtail, Mesaros, Swysgood, Devlin, Tash, Keller, Mason, Knox, Zook, McCaffree, referred to Committee on Fish and Game

**HB 370**, introduced by Molnar, Mills, Keating, Driscoll, Clark, Feland, Rehbein, S. Rice, Hibbard, Cobb, Nathe, Bergman, Barnett, Crippen, Harp, Dolezal, Grosfield, referred to Committee on Judiciary

**HB 371**, introduced by L. Nelson, Nathe (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 372**, introduced by S. Rice, referred to Committee on Local Government

**HB 373**, introduced by Kadas, Jacobson, referred to Committee on Appropriations

**HB 374**, introduced by Ewer, Rye, Waterman, McClernan (by request of the Department of Health and Environmental Sciences), referred to Committee on Natural Resources

**HB 375**, introduced by Brandewie, Schye, Kennedy, Bartlett, Grady, referred to Committee on Local Government

**HJR 8**, introduced by S. Rice, referred to Committee on Human Services and Aging

The following Senate bills were introduced, read first time, and referred to committee:

**SB 111**, introduced by Harp (by request of the Board of Realty Regulation), referred to Committee on Business and Economic Development

**SB 132**, introduced by Stang (by request of the Public Service Commission), referred to Committee on Business and Economic Development

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Russell in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:



**HB 150** - Representative Sayles moved HB 150 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 92

Noes: Fisher, M. Hanson, McCaffree, Wanzenried, Zook.  
Total 5

Excused: Keller, Vogel.  
Total 2

Absent or not voting: Russell.  
Total 1

**HB 180** - Representative Anderson moved HB 180 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bachini, Bergsagel, Feland, Grady, McCaffree, L. Nelson, Peck, Rehbein.  
Total 8

Excused: Keller, Vogel.  
Total 2

Absent or not voting: Driscoll.  
Total 1

**SB 67** - Representative Raney moved SB 67 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Anderson, Bachini, Benedict, Bergsagel, Boharski, Clark, Hayne, Herron, Mason, McCaffree, L. Nelson, Peck, Peterson, Rehbein, Rose, Sayles, Spring, Wagner.

Total 18

Excused: Keller, Vogel.

Total 2

Absent or not voting: None.

Total 0

**HB 100** - Representative Davis moved HB 100 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Hansen, H.S. Hanson, Harper, Harrington, J. Johnson, Kadas, Larson, McCarthy, McCulloch, Menahan, Molnar, Orr, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Whalen, Wyatt, Mr. Speaker.

Total 59

Noes: Anderson, Benedict, Bergman, Bergsagel, Bird, Boharski, Cobb, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Knox, Mason, McCaffree, Mills, L. Nelson, T. Nelson, Peterson, Rehbein, J. Rice, Sayles, Simpkins, Stovall, Wagner, Wanzenried, Winslow, Wiseman, Zook.

Total 39

Excused: Keller, Vogel.

Total 2

Absent or not voting: None.

Total 0

**HB 140** - Representative Grinde moved consideration of HB 140 be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Russell moved the adoption of the committee report. Report adopted. (85-12)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 107** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Boharski.  
Total 1

Voted Absentee: Vogel, Aye.

Excused: Keller.  
Total 1

Absent or not voting: None.  
Total 0

**HB 127** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Brown, Driscoll, Gilbert, T. Nelson, Whalen.  
Total 5

Voted Absentee: Vogel, Aye.

Excused: Keller.  
Total 1

Absent or not voting: None.  
Total 0

**HB 188** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, DeBruycker, Driscoll, Ellis, Endy, Fagg, Fisher, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Zook, Mr. Speaker.  
Total 66

Noes: Barnhart, Bird, Brooke, Brown, Cocchiarella, Davis, Dolezal, Dowell, Elliott, Ewer, Feland, Foster, Gervais, Gilbert, Harper, Harrington, Larson, McCulloch, L. Nelson, Ream, Russell, Ryan, Smith, Spring, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Wiseman, Wyatt.  
Total 33

Voted Absentee: Vogel, Aye.

Excused: Keller.  
Total 1

Absent or not voting: None.  
Total 0

**SB 24** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93



Noes: Cobb, Gilbert, Rehbein, Schye.  
Total 4

Voted Absentee: Vogel, Aye.

Excused: Keller.  
Total 1

Absent or not voting: Bergman, Clark.  
Total 2

### **MOTIONS**

Representative Harper moved HB 355 be taken from the Committee on Business and Economic Development and rereferred to the Committee on Human Services and Aging. Motion carried.

Representative Grady moved HB 100 be taken from the Committee of the Whole and rereferred to the Committee on Appropriations. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, January 28, 1993. Motion carried.

House adjourned at 1:45 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana  
January 28, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Pastor Doug Kelley. Pledge of Allegiance to the Flag.

Roll call. All members present except Wanzenried, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/28/93  
Correctly printed for second reading: HB 118, HB 139, HB 191, HB 197,  
HB 203, HB 209.  
Correctly engrossed for third reading: HB 100, HB 150, HB 180, SB 67.  
Correctly enrolled: HB 20, HB 37.  
Examined by the sponsor and found to be correct: 1/27/93  
HB 20 - Menahan  
HB 37 - Brown  
Delivered to the Governor for his approval at 11:00 a.m., 1/27/93: HB 20,  
HB 37, HB 55.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 1/27/93

**HB 167**, introduced bill, be amended as follows:

1. Page 2, line 4.  
Strike: "when free of plant pests"
2. Page 5, line 11.  
Strike: "both"  
Following: "civil"  
Strike: "and criminal"
3. Page 5, lines 12 and 13.  
Strike: "the" on line 12 through "(a)" on line 13
4. Page 5, line 14 through line 16.  
Strike: ";" on line 14 through "\$1,000" on line 16
5. Page 9, line 13.  
Strike: "plants or"  
Following: "nursery stock"  
Insert: "or cut decorative or aquarium plants"

And, as amended, do pass. Report adopted.

**SB 57**, third reading copy, be concurred in. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 1/27/93

**HB 190**, introduced bill, be amended as follows:

1. Title, line 6.  
Following: "LICENSURE"

Insert: "OF LICENSED SOCIAL WORKERS AND"

2. Title, line 13.

Strike: "EFFECTIVE DATES"

Insert: "AN APPLICABILITY DATE"

3. Page 5, line 1.

Following: "of"

Insert: "or under a contract with"

4. Page 5, line 2.

Following: "agency"

Insert: ", "

Strike: "or"

5. Page 5, line 3.

Following: "institution"

Insert: ", or a health care facility licensed under the provisions of Title 50, chapter 5,"

6. Page 6, lines 3 through 8.

Strike: subsection (4) in its entirety

7. Page 8, line 22.

Page 9, lines 14 and 21.

Page 10, line 14.

Strike: "7"

Insert: "2"

8. Page 11, line 4.

Strike: "1993"

Insert: "1994"

9. Page 11, lines 5 and 6.

Strike: section 11 in its entirety

And, as amended, do pass. Report adopted.

**SB 45**, third reading copy, be concurred in. Report adopted.

FISH AND GAME (Foster, Chairman):

1/27/93

**HB 123**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "REMOVING"

Insert: "REVISING"

2. Title, line 7.

Following: "PROGRAM"

Insert: "BY SPECIFYING A LONGER SECTION OF THE YELLOWSTONE RIVER"

3. Title, lines 7 and 8.



Following: ";" on line 7

Strike: "ESTABLISHING A RESERVE FUND TO COVER PROGRAM COSTS;"

4. Title, lines 8 and 9.

Strike: "MAKING THE PROGRAM PERMANENT BY REMOVING"

Insert: "EXTENDING"

5. Page 2, line 19.

Following: "Glendive"

Insert: "from the Yellowstone River between the burlington northern  
railroad bridge at Glendive to the confluence of Cottonwood Creek  
and the Yellowstone River"

6. Page 2, line 25.

Following: "paddlefish"

Insert: "may be"

7. Page 3, line 1.

Following: "site"

Insert: "only to the Intake fishing access site"

Following: "for"

Strike: "cleaning or"

8. Page 3, line 2.

Following: "program"

Insert: "and"

9. Page 3, line 20.

Strike: "Twenty-five"

Insert: "Forty"

10. Page 3, line 22.

Strike: "and"

11. Page 3, line 23 through page 4, line 1.

Strike: "in" on line 23 through "(3)(e)" on line 1

12. Page 4, line 4.

Following: "access,"

Insert: "administration,"

13. Page 4, line 9.

Strike: "The"

Following: "~~half~~"

Strike: "remaining 75%"

Insert: "Sixty percent"

14. Page 4, line 11.

Strike: "and"

15. Page 4, lines 12 through 14.

Strike: "in" on line 12 through "(3)(e)" on line 14

16. Page 4, line 16.

Following: "caviar."

Insert: "The nonprofit organization's administrative costs must be paid from its share of the proceeds."

17. Page 4, line 25 through page 5, line 4.

Strike: subsection (e) in its entirety

18. Page 6, line 10.

Following: "~~termination~~"

Insert: "-- termination"

19. Page 6, line 11.

Following: "~~1993~~"

Insert: ", and terminates June 30, 2003"

And, as amended, do pass. Report adopted.

**HB 251**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "ANIMAL"

Insert: "THAT HAS DIED FROM NATURAL CAUSES AND"

2. Title, line 7.

Following: "UNLAWFULLY"

Insert: "OR ACCIDENTALLY"

3. Page 3, line 8.

Following: "animal"

Insert: "that has died from natural causes and"

4. Page 3, line 9.

Following: "unlawfully"

Insert: "or accidentally"

And, as amended, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

1/28/93

**HB 211**, introduced bill, be amended as follows:

1. Title, line 5.

Following: ";

Insert: "AND"

2. Title, lines 6 and 7.

Strike: " ; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 13, lines 16 and 17.

Strike: section 3 in its entirety

And, as amended, do pass. Report adopted.

**HB 225**, introduced bill, be amended as follows:

1. Page 2, line 15.

Following: "facility"

Insert: ", as defined in 53-24-103(3)(b)."

And, as amended, do pass. Report adopted.

**HB 238**, introduced bill, be amended as follows:

1. Title, line 10.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "41-3-202"

Insert: "AND 41-3-401"

2. Page 3.

Following: line 9

Insert: "Section 2. Section 41-3-401, MCA, is amended to read:

"41-3-401. Abuse, neglect, and dependency petitions. (1)

The county attorney, attorney general, or an attorney hired by the county welfare department or office of human services shall be responsible for filing all petitions alleging abuse, neglect, or dependency. The county attorney or attorney general, or an attorney hired by the county welfare department or office of human services with the written consent of the county attorney or attorney general, may require all state, county, and municipal agencies, including law enforcement agencies, to conduct such investigations and furnish such reports as may be necessary. ~~Investigations as to financial status may not be made prior to the adjudicatory hearing provided for in 41-3-404.~~

(2) Upon receipt of a petition, the court shall set a date for an adjudicatory hearing on the petition. Such petitions shall be given preference by the court in setting hearing dates.

(3) A petition alleging abuse, neglect, or dependency is a civil action brought in the name of the state of Montana. The rules of civil procedure shall apply except as herein modified. Proceedings under a petition are not a bar to criminal prosecution.

(4) The parents or parent, guardian, or other person or agency having legal custody of the youth named in the petition, if residing in the state, shall be served personally with a copy of the petition and summons at least 5 days prior to the date set for hearing. If such person or agency cannot be served personally, the person or agency may be served by publication in the manner provided by the Montana Rules of Civil Procedure for other types of proceedings.

(5) In the event personal service cannot be made upon the parents or parent, guardian, or other person or agency having legal custody, the court shall appoint an attorney to represent the unavailable party where in the opinion of the court the interests of justice require.

(6) If a parent of the child is a minor, notice shall be given to the minor parent's parents or guardian, and if there is no guardian the court shall appoint one.

(7) Any person interested in any cause under this chapter has the right to appear.

(8) Except where the proceeding is instituted or commenced at the request of the department of family services, a citation shall be issued and served upon a representative of the department prior to the court hearing.

(9) The petition shall:

(a) state the nature of the alleged abuse, neglect, or dependency;

(b) state the full name, age, and address of the youth and the name and address of his parents or guardian or person having legal custody of the youth;

(c) state the names, addresses, and relationship to the youth of all persons who are necessary parties to the action.

(10) The petition may ask for the following relief:

(a) temporary investigative authority and protective services;

(b) temporary legal custody;

(c) termination of the parent-child legal relationship and permanent legal custody with the right to consent to adoption;

(d) any combination of the above or such other relief as may be required for the best interest of the youth.

(11) The petition may be modified for different relief at any time within the discretion of the court.

(12) The court may at any time on its own motion or the motion of any party appoint counsel for any indigent party."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HJR 4**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

1/28/93

**HJR 5**, introduced bill, recommend as follows:

1. The Committee on House State Administration recommends that the Districting and Apportionment Commission's plan of December 1992 be accepted without changes.

And with such recommendation, do pass. Report adopted.

TAXATION (Gilbert, Chairman):

1/27/93

**HB 92**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "CLARIFYING THAT"

Insert: "AMENDING"

2. Title, line 7.

Following: "ACT"



Insert: "; CLARIFYING THAT THE ACT"

3. Title, line 11.

Following: "AGREEMENT;"

Insert: "REQUIRING A PUBLIC AGENCY TO HOLD A PUBLIC MEETING.  
PRIOR TO ENTERING INTO AN AGREEMENT ON TAXATION,  
GAMBLING, FISH AND GAME, OR ENVIRONMENTAL  
REGULATION WITH A TRIBAL GOVERNMENT;"

4. Page 3, line 23.

Following: line 22

Insert: "(4) (a) Prior to entering into an agreement on taxation, gambling,  
fish and game, or environmental regulation with a tribal  
government, a public agency shall provide public notice and hold  
a public meeting on the reservation whose government is a party  
to the proposed agreement for the purpose of receiving comments  
from and providing written and other information to interested  
persons with respect to the proposed agreement's effect on the  
community.

(b) At least 14 days but not more than 30 days prior to the  
date scheduled for the public meeting, a notice of the proposed  
agreement and public meeting must be published in a newspaper  
of general circulation in the county or counties in which the  
reservation is located.

(c) At the time the notice of the meeting is published, a  
synopsis of the proposed agreement must be made available to  
interested persons."

5. Page 7, line 8.

Following: "agreement."

Insert: "If a public agency that is a party to an agreement is a local  
government, the agreement must provide for the disposition of  
revenue."

6. Page 7, line 19.

Following: "statutory"

Insert: ", public agency ordinance,"

7. Page 7, line 21.

Following: "statutory"

Insert: ", public agency,"

8. Page 8, line 15.

Following: "before"

Insert: "the agreement must be presented to the revenue oversight  
committee for review and comment before"

9. Page 11, line 17.

Following: "to"

Strike: "tax"

And, as amended, do pass. Report adopted.

**HB 186**, introduced bill, do pass. Report adopted.

**HB 250**, introduced bill, be amended as follows:

1. Title, line 10.

Strike: "AND"

Following: "15-15-102,"

Insert: "AND 15-15-103,"

2. Page 3, line 15.

Strike: "20"

Insert: "30 calendar"

3. Page 4, line 12.

Strike: "department's agent"

Insert: "county assessor"

4. Page 8.

Following: line 5

Insert: "Section 4. Section 15-15-103, MCA, is amended to read:

"15-15-103. Examination of applicant -- failure to hear application. (1) Before the county tax appeal board grants any application or makes any reduction applied for, it must examine on oath the person or agent making the application, touching the value of the property of each person. No reduction must be made unless such person or agent makes an application, as provided in 15-15-102, and attends and answers all questions pertinent to the inquiry. The testimony of all witnesses upon such hearing must be taken in shorthand or by stenotype or electronically recorded and preserved for 1 year. If the decision of the county tax appeal board is appealed, all testimony must be transcribed or otherwise reduced to writing and forwarded, together with all exhibits, to the state tax appeal board. The date of hearing, the proceedings before the board, and the decision must be entered upon the minutes of the board, and the board shall notify the applicant of its decision by mail within 3 days thereafter. A copy of the minutes of the county tax appeal board must be transmitted to the state tax appeal board no later than 3 days after the board holds its final hearing of the year.

(2) If a county tax appeal board refuses or fails to hear a taxpayer's timely application for a reduction in valuation of property, the taxpayer's application is considered to be granted on the day following the board's final meeting for that year. The county treasurer shall enter the appraisal or classification sought in the application in the assessment book. An application is not automatically granted for the following appeals:

(a) except that those listed in 15-2-302; and

(b) if a taxpayer's appeal from the department's determination of classification or appraisal made pursuant to 15-7-102 was not received in time, as provided for in 15-15-102, to be considered by the board during its current 60-day session the taxpayer's application is considered to be granted on the day following the board's final meeting for that year. The county

~~treasurer shall enter the appraisal or classification sought in the application in the assessment book."~~

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 254**, introduced bill, be amended as follows:

1. Page 5, line 19.

Following: "paid"

Insert: "by the secured party"

And, as amended, do pass. Report adopted.

**HB 297**, introduced bill, do pass. Report adopted.

**HB 312**, introduced bill, do pass. Report adopted.

**HB 327**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "FUND;"

Insert: "PROVIDING THAT MINIMUM ASSESSMENT PAYMENTS DO NOT APPLY TO GOVERNMENTAL ENTITIES UNLESS THE TOTAL OF LEVIED AMOUNTS IS LESS THAN \$5;"

2. Page 2.

Following: line 5

Insert: "(4) The minimum assessment imposed by this section does not apply to assessments levied against property owned by the state or a county, consolidated local government, city, town, school district, or other governmental entity unless the total assessments levied against all the property owned by the governmental entity are less than \$5."

And, as amended, do pass. Report adopted.

**SB 10**, third reading copy, be amended as follows:

1. Title, line 4.

Following: "COUNTY"

Insert: ", UNDER CERTAIN CIRCUMSTANCES,"

2. Page 1, line 14.

Strike: "that levies"

Insert: "who have levied"

3. Page 1, line 15.

Following: "7-21-3410"

Insert: "before January 1, 1993,"

Strike: "of"

Insert: "that may not exceed"

And, as amended, be concurred in. Report adopted.

## ADVERSE COMMITTEE REPORT

**HB 138** - Representative T. Nelson moved the 1/27/93 adverse committee report on HB 138 be adopted. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Wagner, Wallin, Winslow, Wiseman, Zook.  
Total 50

Noes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Vogel, Whalen, Wyatt.  
Total 48

Excused: Wanzenried.  
Total 1

Absent or not voting: Mr. Speaker.  
Total 1

## MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 1/27/93

**HB 53**, introduced by Hansen

Senate bills passed and transmitted to the House for concurrence: 1/27/93

**SB 78**, introduced by Gage  
**SB 129**, introduced by Doherty  
**SB 146**, introduced by Waterman  
**SB 188**, introduced by Hockett  
**SJR 12**, introduced by Brown

FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 376**, introduced by Davis, referred to Committee on Education and Cultural Resources  
**HB 377**, introduced by Barnett, J. Rice, Harper, Bardanouve (by request of the Office of Political Practices), referred to Committee on State Administration



**HB 378**, introduced by McCaffree, Weeding, Peck, M. Hanson, L. Nelson, Kadas, Schwinden, Jergeson, referred to Committee on Taxation

**HB 379**, introduced by Grady, Stovall, Burnett, Keating, Beck, Wallin, Gage, Gilbert, Rea, referred to Committee on Natural Resources

**HB 380**, introduced by Ewer, Foster, Grimes, Brooke (by request of the Department of Health and Environmental Sciences), referred to Committee on Natural Resources

**HB 381**, introduced by Ryan, Strizich, Gervais, Endy, Dolezal, Clark, Galvin, S. Rice, Wilson, McCulloch, referred to Committee on Fish and Game

**HB 382**, introduced by Foster, Gilbert, Koehnke, Swysgood, Rea, Grimes, Gage, Driscoll, referred to Committee on Taxation

**HB 383**, introduced by Brandewie, Wiseman (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**HB 384**, introduced by Simpkins, Kasten, Peck, referred to Committee on Education and Cultural Resources

**HB 385**, introduced by Simpkins, referred to Committee on Highways and Transportation

**HB 386**, introduced by Molnar, referred to Committee on Fish and Game

**HB 387**, introduced by Endy, Whalen, Ryan, McCarthy, Barnhart, Swanson, referred to Committee on Business and Economic Development

**HB 388**, introduced by Raney, Wanzenried, Toole, Harper, Waterman (by request of the Department of Health and Environmental Sciences), referred to Committee on Taxation

**HJR 9**, introduced by Fagg, B. Brown, Rye, Vogel, Foster, Rea, Bruski-Maus, Toews, Feland, Orr, Stovall, Bird, Devlin, Crippen, Swysgood, Wiseman, Smith, Gilbert, Knox, Peck, Kasten, Grady, DeBruycker, J. Rice, Sayles, Grimes, Grosfield, Harp, Tunby, Towe, Peterson, Zook, Clark, Fisher, Bergman, Tash, referred to Committee on State Administration

The following Senate bills were introduced, read first time, and referred to committee:

**SB 78**, introduced by Gage, referred to Committee on Judiciary

**SB 129**, introduced by Doherty, referred to Committee on Judiciary

**SB 146**, introduced by Waterman, J. Rice, Whalen, Stang, Halligan, McCulloch, Forrester, Crippen, Fagg, Weldon, Doherty, Strizich, Foster, Bartlett, referred to Committee on Judiciary

**SB 188**, introduced by Hockett (by request of the Department of State Lands), referred to Committee on Agriculture, Livestock, and Irrigation

**SJR 12**, introduced by B. Brown, Galvin, Clark, Lynch, Pipinich, Quilici, Squires, Strizich, Nathe, Menahan, Grady, Harper, Crippen, Bartlett, Cocchiarella, McCulloch, Forrester, Gage, Daily, Harrington, Brandewie, S. Rice, Pavlovich, Driscoll, Bachini, Ream, T. Nelson, Larson, J. Rice, Koehnke, Winslow, Vogel, Whalen, Beck, Wanzenried, Wyatt, Waterman, Schwinden, Jacobson, McClernan, Foster, referred to Committee on State Administration

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hibbard in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 6** - Representative Sayles moved consideration of SB 6 be passed for the day. Motion carried.

**SB 7** - Representative Sayles moved consideration of SB 7 be passed for the day. Motion carried.

**HB 194** - Representative Tuss moved HB 194 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt.

Total 88

Noes: Bergsagel, DeBruycker, Hayne, Herron, Kasten, Peterson, Rehbein, Sayles, Smith, Zook.

Total 10

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Cobb, Mr. Speaker.

Total 2

**HB 43** - Representative McCulloch moved HB 43 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Hayne, Herron, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Peck, Peterson,

Raney, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 77

Noes: Benedict, Bergman, Brown, Cobb, Daily, Davis, DeBruycker, Foster, Gervais, H.S. Hanson, M. Hanson, Harrington, J. Johnson, T. Nelson, Orr, Pavlovich, Quilici, Ream, Russell, Schye, Simpkins, Zook.

Total 22

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Hibbard.

Total 1

**HB 128** - Representative Brown moved HB 128 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 81

Noes: Anderson, Benedict, Bergsagel, Brooke, Cobb, DeBruycker, Fisher, Foster, M. Hanson, Herron, Kasten, Molnar, Rehbein, Sayles, Simon, Simpkins, Swanson, Wagner, Zook.

Total 19

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 142** - Representative Russell moved HB 142, second reading copy, be amended as follows (amendment #1):

1. Title, line 5.

Strike: "\$500"

Insert: "\$1,000"

2. Page 17, lines 17 and 20.

Page 19, line 15.

Page 22, lines 2 and 12.

Page 23, lines 18 and 23.

Page 24, lines 18 and 22.

Page 25, line 16.

Page 26, line 16.

Page 28, line 5.

Page 29, line 16.

Page 30, line 9.

Strike: "\$500"

Insert: "\$1,000"

Amendment #1 passed as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Boharski, Bohlinger, Brooke, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Grady, Hansen, Harper, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Larson, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wagner, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 64

Noes: Anderson, Bachini, Bergman, Bergsagel, Bird, Brandewie, Brown, Clark, DeBruycker, Feland, Foster, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Keller, Knox, Mason, McCaffree, Molnar, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Schwinden, Simpkins, Smith, Tash, Vogel, Wallin, Winslow.

Total 35

Excused: Wanzenried.

Total 1

Absent or not voting: None.

Total 0

Representative Anderson moved consideration of HB 142 be moved to the bottom of the board. Motion carried.

**HB 140** - Representative Vogel moved consideration of HB 140 be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Hibbard moved the adoption of the committee report. Report adopted. (90-7)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:



**HB 104** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Gilbert, Whalen.  
Total 2

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Cobb, Molnar, Winslow.  
Total 3

**HB 148** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: T. Nelson.  
Total 1

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Cobb.  
Total 1

**HB 153** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

**HB 161** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 92

Noes: Driscoll, Fisher, Larson, Peck.

Total 4

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Cobb, H.S. Hanson, Ream, Mr. Speaker.

Total 4

**HB 174** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 178** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: McCaffree, Peck, Schwinden, Toole, Wyatt.

Total 5

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: L. Nelson, Squires.  
Total 2

**HB 224** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.  
Total 0

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 76** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.  
Total 0

Voted Absentee: Wanzenried, Aye.



Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 101** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 94

Noes: Clark, DeBruycker, Rehbein, Spring.  
Total 4

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Ewer, Mr. Speaker.  
Total 2

**SB 114** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 96

Noes: Driscoll, Peck.  
Total 2

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Fisher, Mr. Speaker.

Total 2

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, January 29, 1993. Motion carried.

House adjourned at 2:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana  
January 29, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Wyatt. Pledge of Allegiance to the Flag.

Roll call. All members present except Spring, Winslow, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-first and twenty-second legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/29/93  
Correctly printed for second reading: HB 92, HB 123, HB 167, HB 186, HB 190, HB 211, HB 225, HB 238, HB 250, HB 251, HB 254, HB 297, HB 312, HB 327, HJR 4, HJR 5.  
Correctly engrossed for third reading: HB 43, HB 128, HB 194, HJR 5.  
Examined by the sponsor and found to be correct:  
HB 28 - Hansen  
HB 77 - Bardanouve  
HB 80 - McCaffree  
HB 85 - Bardanouve  
Signed by the Speaker at 10:00 a.m., 1/27/93: HB 54.  
Delivered to the Governor for his approval at 3:00 p.m., 1/27/93: HB 54.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman): 1/28/93  
**SB 110**, third reading copy, be concurred in. Report adopted.  
**SB 126**, third reading copy, be concurred in. Report adopted.  
**SB 127**, third reading copy, be concurred in. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman): 1/29/93  
**HB 156**, introduced bill, do pass. Report adopted.  
**HB 169**, introduced bill, do pass. Report adopted.  
**SB 8**, third reading copy, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman): 1/28/93  
**HB 64**, introduced bill, be amended as follows:

1. Title, line 10.  
Following: "MONTANA;"  
Strike: "AND"  
Insert: "LIMITING THE LENGTH OF TIME THE FEE IS APPLICABLE TO SOLID WASTE INCINERATORS AND CERTAIN SOLID WASTE DISPOSAL FACILITIES;"  
Following: "SECTIONS"  
Insert: "75-10-118,"

2. Title, line 11.  
Following: "75-10-204"  
Insert: ", "

3. Title, line 12.

Following: "1991"

Insert: "; AND PROVIDING EFFECTIVE DATES"

4. Page 1, line 17.

Following: "[section"

Strike: "2"

Insert: "3"

5. Page 1, line 23.

Following: "on the"

Insert: "justifiable"

6. Page 2, lines 1 through 4.

Following: "1 and 2." on line 1

Strike: "This bill" on line 1 through "1995." on line 4.

Insert: "It is the intent of the legislature that, until July 1, 1995, the fee established by the department under 75-10-204(8) apply to all solid waste imported from out of state to solid waste incinerators and solid waste disposal facilities in this state. Effective July 1, 1995, the fee established by the department under 75-10-204(8) applies only to solid waste imported from out of state to solid waste disposal facilities that receive less than 25,000 tons of solid waste annually. Also effective July 1, 1995, solid waste disposal facilities receiving 25,000 tons or more of solid waste annually and all solid waste incinerators, regardless of tonnage amounts, must be charged a fee of \$5 per ton, pursuant to 75-10-118, on each ton of solid waste imported from out of state."

7. Page 2.

Following: line 14

Insert: "Section 2. Section 75-10-118, MCA, is amended to read:

"75-10-118. (Effective July 1, 1993) Solid waste management fee -- out-of-state waste. (1) A Notwithstanding the fee established pursuant to 75-10-204(8) and except as provided in subsection (2) of this section, a person who owns an incinerator that burns solid waste or a solid waste disposal facility that is licensed pursuant to 75-10-221 and to rules adopted under 75-10-221 shall pay to the department a quarterly fee of \$5 for each ton of solid waste generated outside Montana and incinerated or disposed of at the facility.

(2) A person who owns a solid waste disposal facility that is licensed pursuant to 75-10-221 and to rules adopted under 75-10-221 that receives less than 25,000 tons of solid waste annually shall pay the department a quarterly fee, determined by the department pursuant to 75-10-204(8), for each ton of solid waste generated outside Montana.

(2)(3) All fees must be deposited in the solid waste management account provided for in 75-10-117."

Renumber: subsequent sections

8. Page 3, line 21.

Following: "a"



Insert: "quarterly"  
Following: "on the"  
Insert: "justifiable"

9. Page 3, line 24 through page 4, line 1.  
Following: "rules" on line 24  
Strike: "." through "[a]" on line 25  
Following: "by" on line 25  
Strike: "October"  
Insert: "August"  
Following: "1993"  
Strike: "." on line 25 through "1995" on page 4, line 1

10. Page 5.  
Following: line 1  
Insert: "NEW SECTION. Section 5. Effective date. [Section 3 and this section] are effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 171**, introduced bill, be amended as follows:

1. Page 19, line 23.  
Following: "or"  
Strike: "major revision"  
Insert: "amendment, other than an incidental boundary revision,"

2. Page 20, line 3.  
Following: "or"  
Strike: "major revision"  
Insert: "amendment, other than an incidental boundary revision,"

And, as amended, do pass. Report adopted.

TAXATION (Gilbert, Chairman): 1/28/93  
**HB 221**, introduced bill, do pass. Report adopted.  
**HB 298**, introduced bill, do pass. Report adopted.

#### MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 1/28/93

**HB 117**, introduced by Kasten

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 1/28/93

**HB 18**, introduced by R. Johnson

Senate bills passed and transmitted to the House for concurrence: 1/28/93

**SB 37**, introduced by Towe  
**SB 117**, introduced by Halligan

**SB 159**, introduced by Bartlett  
**SB 161**, introduced by Jergeson  
**SB 187**, introduced by Eck  
**SB 209**, introduced by Crippen

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

January 28, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 36 and 54 on January 28, 1993.

Sincerely,

MARC RACICOT  
Governor

### MOTIONS

Representative Grinde moved the rules be suspended to permit placement and consideration of HJR 5 on second and third readings and transmittal to the Senate this legislative day. Motion carried.

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Harrington in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 5** - Representative Gervais moved HJR 5, second reading copy, adopt recommendation. Motion failed as follows: (42-57)

Representative Mercer moved HJR 5 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Davis, DeBruycker, Driscoll, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.  
Total 69

Noes: Bachini, Barnhart, Cocchiarella, Daily, Dolezal, Dowell, Elliott, Endy, Galvin, Gervais, Harper, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Raney, S. Rice, Russell, Ryan, Schye, Squires, Stanford, Stovall, Strizich, Tuss, Wanzenried, Whalen, Wyatt.

Total 30

Voted Absentee: Spring, Aye.

Excused: Winslow.

Total 1

Absent or not voting: None.

Total 0

**HB 139** - Representative Grinde moved HB 139 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Gilbert, Harper.

Total 2

Excused: Spring, Winslow.

Total 2

Absent or not voting: Grady.

Total 1

**HB 197** - Representative Quilici moved HB 197 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss,

Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bergsagel, DeBruycker, Gilbert, Peterson, Rehbein, Sayles.  
Total 6

Excused: Spring, Winslow.  
Total 2

Absent or not voting: None.  
Total 0

**HB 203** - Representative Larson moved HB 203 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergman.  
Total 1

Excused: Spring, Winslow.  
Total 2

Absent or not voting: Benedict.  
Total 1

**HB 209** - Representative Grady moved HB 209 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson,



Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: McCaffree, L. Nelson.  
Total 2

Excused: Spring, Winslow.  
Total 2

Absent or not voting: McCarthy.  
Total 1

**HB 118** - Representative Cocchiarella moved HB 118, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 7.  
Strike: "~~that provides~~"  
Insert: "a place licensed or registered to provide"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergman.  
Total 1

Excused: Spring, Winslow.  
Total 2

Absent or not voting: None.  
Total 0

Representative Cocchiarella moved HB 118, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson,

Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Mr. Speaker.  
Total 82

Noes: Barnett, Bergman, Boharski, Ellis, Feland, Fisher, Hayne, Herron, Mason, Mills, Molnar, T. Nelson, Peterson, Rehbein, Stovall, Zook.  
Total 16

Excused: Spring, Winslow.  
Total 2

Absent or not voting: None.  
Total 0

Representative Elliott excused at this time.

**HB 191** - Representative Strizich moved HB 191 do pass. Motion carried as follows:

Ayes: Benedict, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Galvin, Gervais, Gilbert, Grady, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kasten, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Whalen, Wyatt.  
Total 57

Noes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Brandewie, Clark, Fisher, Foster, Grimes, Grinde, M. Hanson, Hayne, Herron, Kadas, Keller, Knox, McCaffree, T. Nelson, Orr, Peck, Peterson, J. Rice, Rose, Sayles, Simpkins, Smith, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.  
Total 40

Voted Absentee: Elliott, Aye.

Excused: Spring, Winslow.  
Total 2

Absent or not voting: Wanzenried.  
Total 1

**HB 142** - Representative Anderson moved HB 142, second reading copy, be amended as follows (amendment #1):

1. Title, line 6.  
Following: "INCREASED;"  
Insert: "INCREASING PENALTIES FOR THOSE CRIMES;"

2. Page 19, line 11.  
Page 22, line 3.  
Page 23, line 19.  
Page 24, line 18; following: "exceed".  
Page 25, line 12.  
Page 26, line 11.  
Page 28, line 1.  
Page 29, line 12.  
Page 30, line 4.  
Strike: "\$500"  
Insert: "\$1000"

3. Page 19, line 12.  
Page 22, lines 4, 6 and 10.  
Page 23, line 20.  
Page 24, line 19.  
Page 25, line 13.  
Page 26, line 12.  
Page 28, line 2.  
Page 29, line 13.  
Page 30, line 5.  
Strike: "6"  
Insert: "12"

4. Page 22, line 5.  
Following: "fined"  
Insert: "not less than"  
Following: "\$500"  
Insert: "or more than \$1000"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzienried, Wiseman, Zook, Mr. Speaker.  
Total 75

Noes: Bardanouve, Barnhart, Brooke, Brown, Cocchiarella, Dolezal, Dowell, Gervais, Grady, Larson, McCaffree, McCulloch, Menahan, Rehbein, Russell, Ryan, Schwinden, Squires, Toole, Tuss, Whalen, Wyatt.  
Total 22

Excused: Elliott, Spring, Winslow.  
Total 3

Absent or not voting: None.  
Total 0

Representative Anderson moved HB 142, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brooke, Clark, Cobb, DeBruycker, Driscoll, Ellis, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, H.S. Hanson, M. Hanson, Harrington, R. Johnson, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peck, Peterson, Raney, Ream, S. Rice, Rose, Russell, Schwinden, Simon, Simpkins, Stovall, Swanson, Tash, Tunby, Tuss, Wallin, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 51

Noes: Bachini, Benedict, Bergsagel, Boharski, Brandewie, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Endy, Ewer, Gervais, Grimes, Grinde, Hansen, Harper, Hayne, Herron, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Quilici, Rehbein, J. Rice, Ryan, Sayles, Schye, Smith, Squires, Stanford, Strizich, Toole, Vogel, Wagner, Wanzenried, Whalen, Winslow.

Total 48

Voted Absentee: Elliott, Winslow, Noes.

Excused: Spring.

Total 1

Absent or not voting: None.

Total 0

**SB 6** - Representative Boharski moved SB 6 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Dowell, Galvin, McCaffree, Molnar, Ream, Rehbein, Sayles, Simpkins, Wanzenried, Wyatt.

Total 10

Voted Absentee: Elliott, Aye.

Excused: Spring, Winslow.

Total 2



Absent or not voting: Clark, Driscoll, Gervais.  
Total 3

**SB 7** - Representative Boharski moved SB 7 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, McCaffree, Peck.  
Total 3

Voted Absentee: Elliott, Aye.

Excused: Spring, Winslow.  
Total 2

Absent or not voting: Barnhart, Clark.  
Total 2

**SB 34** - Representative Cobb moved SB 34, third reading copy, be amended as follows (amendment #1):

1. House Standing Committee Report, Human Services and Aging Committee. In inserted material, item 1.

Following: "to the council and"

Strike: "not"

Following: "appropriations by"

Strike: "the"

Insert: "each"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon,

Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Bergman, DeBruycker, Grinde, Hayne.  
Total 4

Excused: Elliott, Spring, Winslow.  
Total 3

Absent or not voting: None.  
Total 0

Representative Dowell moved SB 34, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bergman, Bergsagel, DeBruycker, Driscoll, Ellis, Feland, Gilbert, Hayne, Kasten, Molnar, Rehbein.  
Total 11

Voted Absentee: Elliott, Aye.

Excused: Spring, Winslow.  
Total 2

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Harrington moved the adoption of the committee report.

Representative Brown made a substitute motion HB 142 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried. (66-31)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 150** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Clark, Fisher, M. Hanson, Kasten, McCaffree.

Total 5

Excused: Elliott, Spring, Winslow.

Total 3

Absent or not voting: Mills.

Total 1

**HB 180** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Feland, McCaffree, L. Nelson, Peck, Rehbein.

Total 6

Excused: Elliott, Spring, Winslow.

Total 3

Absent or not voting: Orr.

Total 1

**SB 67** concurred in as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Anderson, Bachini, Benedict, Bergsagel, Boharski, Hayne, Herron, Mason, McCaffree, L. Nelson, Peterson, Rehbein, Wagner.

Total 13

Excused: Elliott, Spring, Winslow.

Total 3

Absent or not voting: Orr.

Total 1

**HJR 5** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Driscoll, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Sayles, Schwinden, Simon, Smith, Squires, Stanford, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Noes: Bachini, Cocchiarella, Dolezal, Dowell, Endy, Galvin, Gervais, Harper, Kadas, McCaffree, McCarthy, Menahan, Peck, Raney, S. Rice, Russell, Ryan, Schye, Simpkins, Stovall, Strizich, Toole, Wanzenried, Whalen.

Total 24

Excused: Elliott, Spring, Winslow.

Total 3

Absent or not voting: Bergman.

Total 1

## MOTIONS

Representative Pavlovich moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.



Representative Bird moved she be allowed to change her vote on the amendment to HJR 5, second reading, from no to aye. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, January 30, 1993. Motion carried.

House adjourned at 3:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana  
January 30, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Wallin. Pledge of Allegiance to the Flag.

Roll call. All members present except Brooke, Ewer, Wiseman, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Cavey Little Rossback, St. Ignatius (permanent page)  
Jessica Meissner, Lewistown  
Kristen Read, Bozeman  
Libby Costello, Stevensville  
Nolan T. Rice, Dillon  
John C. Higgins, Browning  
Erika H. Hanson, Missoula  
Kolan Good Luck, Pryor

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/30/93  
Correctly printed for second reading: HB 64, HB 156, HB 169, HB 171,  
HB 221, HB 298.  
Correctly engrossed for third reading: HB 118, HB 139, HB 191, HB 197,  
HB 203, HB 209, SB 6, SB 7, SB 34.  
Correctly enrolled: HB 28, HB 77, HB 80, HB 85. 1/29/93

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 1/28/93  
**HB 181**, introduced bill, do pass. Report adopted.

FISH AND GAME (Foster, Chairman): 1/28/93  
**SB 17**, third reading copy, be concurred in. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman): 1/29/93  
**HB 189**, introduced bill, do pass and be placed on the consent calendar.  
Report adopted.  
**HB 230**, introduced bill, do pass and be placed on the consent calendar.  
Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 1/29/93  
**HB 247**, introduced bill, do pass. Report adopted.  
**SB 36**, third reading copy, be amended as follows:

1. Title, line 9.  
Strike: "AND"  
Following: "REGENTS"  
Insert: ", THE COAL BOARD, AND THE HARD-ROCK MINING IMPACT  
BOARD"

2. Title, line 15.  
Following: "AN"  
Strike: "IMMEDIATE"

3. Page 5, line 4.

Strike: "and"

4. Page 5, line 5.

Following: "education"

Insert: "; and"

(iii) at least one but not more than two from each district  
provided for in 5-1-102"

5. Page 5, line 25.

Following: "§"

Insert: "at least one person from each district provided for in 5-1-102;"

6. Page 6, line 1.

Following: "(e)"

Insert: "(c)"

Renumber: subsequent subsections

7. Page 11, line 2.

Following: "effective"

Strike: "on passage and approval"

Insert: "July 1, 1993"

And, as amended, be concurred in. Report adopted.

**SB 90**, third reading copy, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

1/29/93

**HB 300**, introduced bill, do pass. Report adopted.

#### MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

1/29/93

**HB 34**, introduced by Davis

House bill concurred in as amended and returned to the House for  
concurrence in Senate amendments:

1/29/93

**HB 49**, introduced by Dolezal

Senate bills passed and transmitted to the House for concurrence:

1/29/93

**SB 15**, introduced by Blaylock

**SB 89**, introduced by Jacobson

**SB 91**, introduced by Christiaens

**SB 93**, introduced by Beck

**SB 108**, introduced by Gage

**SB 124**, introduced by Van Valkenburg

**SB 160**, introduced by Rye

**SB 183**, introduced by Doherty

**SB 185**, introduced by Swysgood



House amendments to Senate bill concurred in:

1/29/93

**SB 21**, introduced by Towe

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

January 29, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 20, 37 and 55, on January 29, 1993.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 389**, introduced by Quilici, referred to Committee on Local Government

**HB 390**, introduced by Quilici, Harp, Lynch, Blaylock, Gilbert, Pavlovich, S. Rice, Fritz, Benedict, Schye, referred to Committee on Business and Economic Development

**HB 391**, introduced by Gervais, Russell, Yellowtail, referred to Committee on Human Services and Aging

**HB 392**, introduced by Gervais, Russell, Yellowtail, referred to Committee on Appropriations

**HB 393**, introduced by Wagner, Grady, Swift, Benedict (by request of the Department of State Lands), referred to Committee on Natural Resources

**HB 394**, introduced by Benedict, Eck, B. Brown, Lynch, Fritz, Wyatt, Wiseman, Hibbard, D. Brown, Keating, referred to Committee on Business and Economic Development

**HB 395**, introduced by Foster, Grosfield, Bartlett, referred to Committee on Natural Resources

**HB 396**, introduced by Whalen, Menahan, referred to Committee on Judiciary

**HB 397**, introduced by McCulloch, Foster, Clark, Anderson, Wyatt, Ream, Grimes, Kadas, Ryan, Brandewie (by request of the Department of Justice), referred to Committee on Taxation

**HB 398**, introduced by J. Johnson, Blaylock, Swanson, Kadas, Harper, McCaffree, Peck, Schye, Gilbert, Tunby, Zook, Bruski-Maus, referred to Committee on Education and Cultural Resources

**HB 399**, introduced by Grimes, Christiaens, Grady, Weeding, Harp, Anderson, Bartlett, Russell, referred to Committee on Business and Economic Development

**HB 400**, introduced by Wanzenried, Eck, Barnhart, J. Rice, Waterman, Franklin, Harper, Hansen, Cocchiarella (by request of the Department of Health and Environmental Sciences), referred to Committee on Taxation

**HB 401**, introduced by Kadas, Beck, Lynch, J. Rice, Quilici, Grosfield, referred to Committee on Appropriations

**HB 402**, introduced by Strizich, Vogel, Fagg, Ryan, Galvin, Whalen, Simon, Wallin, Driscoll, Wyatt, Schye, Dowell, referred to Committee on Taxation

**HB 403**, introduced by Bird, referred to Committee on Education and Cultural Resources

**HB 404**, introduced by DeBruycker, Simpkins, Fritz, Wiseman, Peterson, Quilici, Grady, Crippen, Forrester, J. Johnson, Tveit, Blaylock, referred to Committee on Highways and Transportation

**HB 405**, introduced by Fisher, referred to Committee on Judiciary

**HB 406**, introduced by Barnhart, Weldon, Ryan, Eck, Harper, Driscoll, Endy, McCarthy, Brooke, Menahan, Whalen, Swanson, S. Rice, referred to Committee on State Administration

**HB 407**, introduced by Dolezal, Harper, Raney, Dowell, Stanford, Forrester, referred to Committee on Natural Resources

**HB 408**, introduced by Fagg, Gilbert, Swanson, Doherty, Yellowtail, Weldon, Weeding, B. Brown, Wanzenried, Hibbard, Brandewie, Harrington, referred to Committee on Natural Resources

**HB 409**, introduced by Pavlovich, referred to Committee on Judiciary

**HB 410**, introduced by Simpkins, Ellis, Galvin, Bird, Spring, Brandewie, Foster, Pavlovich, Boharski, Gage, Swysgood, Kasten, Molnar, Rehbein, M. Hanson, Rose, Wallin, L. Nelson, Vogel, Hayne, Winslow, Whalen, Knox, Tash, Wagner, Wiseman, Clark, Peterson, Feland, Sayles, Herron, Simon, Zook, Stanford, Mason, Bohlinger, Gilbert, Fagg, Bergman, Keller, R. Johnson, Fisher, Stovall, Grimes, Barnett, Mills, Smith, Tunby, Grinde, T. Nelson, Orr, Benedict, Anderson, Mercer, Grady, Davis, Bachini, Tveit, B. Brown, Beck, Aklestad, Hager, Hibbard, Swift, referred to Committee on Education and Cultural Resources

**HB 411**, introduced by R. Johnson, Yellowtail, Wanzenried (by request of the Department of Justice), referred to Committee on Judiciary

**HB 412**, introduced by Menahan, Swanson, Bardanouve, Strizich, Harper, Pavlovich, Daily, Gilbert, Cocchiarella, Harrington, Whalen, Schwinden, McCarthy, Ryan, Dolezal, Driscoll, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 413**, introduced by Quilici, Menahan, Bachini, Wanzenried (by request of the Department of Revenue), referred to Committee on Taxation

**HB 414**, introduced by Keller, Beck, Hayne, referred to Committee on Local Government

**HB 415**, introduced by Knox, Grinde, Larson, Rehbein, M. Hanson, Foster, Swanson, Anderson, Gilbert, Vaughn, Mason, Keller, L. Nelson, Hertel, Swift, Bruski-Maus, McCaffree, referred to Committee on Local Government

The following Senate bills were introduced, read first time, and referred to committee:

**SB 15**, introduced by Blaylock, referred to Committee on Judiciary

**SB 37**, introduced by Towe, referred to Committee on Judiciary

**SB 89**, introduced by Jacobson (by request of the Department of Commerce), referred to Committee on Human Services and Aging

**SB 91**, introduced by Christiaens, Simon, Weldon, Hockett, S. Rice, Tuss, Ream, referred to Committee on Labor and Employment Relations  
**SB 93**, introduced by Beck, referred to Committee on Judiciary  
**SB 108**, introduced by Gage (by request of the Department of Justice), referred to Committee on Judiciary  
**SB 117**, introduced by Halligan, referred to Committee on Judiciary  
**SB 124**, introduced by Van Valkenburg, referred to Committee on Judiciary  
**SB 159**, introduced by Bartlett, referred to Committee on Local Government  
**SB 160**, introduced by Rye, Devlin, Lynch, Brandewie, Zook, Driscoll, Pavlovich, referred to Committee on Labor and Employment Relations  
**SB 161**, introduced by Jergeson, Benedict, Larson, Harper, Crippen, Christiaens, B. Brown, Halligan, Kadas, Waterman, Squires, Eck, Bianchi, S. Rice, Simon, Bartlett, Barnhart, Fagg, Harp, Ewer, referred to Committee on Business and Economic Development  
**SB 183**, introduced by Doherty (by request of the Department of Revenue), referred to Committee on Taxation  
**SB 185**, introduced by Swysgood (by request of the Department of Transportation), referred to Committee on Highways and Transportation  
**SB 187**, introduced by Eck, R. Johnson (by request of the Department of Family Services), referred to Committee on Human Services and Aging  
**SB 209**, introduced by Crippen (by request of the Department of Commerce), referred to Committee on Human Services and Aging

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative R. Johnson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 167** - Representative Brandewie moved HB 167 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Clark.  
Total 1



Voted Absentee: Brooke, Aye.

Excused: Ewer, Wiseman.

Total 2

Absent or not voting: None.

Total 0

**HB 186** - Representative McCaffree moved HB 186 do pass. Motion carried as follows:

Ayes: Anderson, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Kadas, Kasten, Keller, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 76

Noes: Bachini, Bardanouve, Barnett, Bergsagel, Boharski, Brown, Fisher, Herron, J. Johnson, R. Johnson, Knox, Larson, McCarthy, Peck, Peterson, Rose, Simon, Spring, Stanford, Toole, Wanzenried, Zook.

Total 22

Voted Absentee: Brooke, Ewer, Ayes.

Excused: Wiseman.

Total 1

Absent or not voting: Grady.

Total 1

**HB 250** - Representative Ream moved HB 250 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 96



Noes: Bergsagel, DeBruycker.  
Total 2

Voted Absentee: Brooke, Ewer, Ayes.

Excused: Wiseman.  
Total 1

Absent or not voting: Tuss.  
Total 1

**HB 251** - Representative Pavlovich moved HB 251 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Bergsagel.  
Total 1

Voted Absentee: Brooke, Ewer, Ayes.

Excused: Wiseman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 297** - Representative McCarthy moved HB 297 do pass. Motion carried as follows:

Ayes: Bardanoue, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.  
Total 81

Noes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Clark, Cobb, DeBruycker, Ellis, Feland, Mason, T. Nelson, Spring, Stovall, Wallin, Zook.  
Total 16

Voted Absentee: Brooke, Ewer, Ayes.

Excused: Wiseman.  
Total 1

Absent or not voting: Barnhart, Rehbein.  
Total 2

**HB 312** - Representative Foster moved HB 312 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel, DeBruycker.  
Total 2

Voted Absentee: Brooke, Ewer, Ayes.

Excused: Wiseman.  
Total 1

Absent or not voting: None.  
Total 0

**HB 225** - Representative Benedict moved HB 225 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring,

Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Brooke, Ewer, Ayes.

Excused: Wiseman.

Total 1

Absent or not voting: None.

Total 0

**HB 238** - Representative Smith moved HB 238 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 97

Noes: Squires, Zook.

Total 2

Voted Absentee: Brooke, Ewer, Ayes.

Excused: Wiseman.

Total 1

Absent or not voting: None.

Total 0

**HB 123** - Representative J. Johnson moved HB 123 do pass.

Representative Ream made a substitute motion HB 123, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (26-72)

Representative J. Johnson moved HB 123 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bardanouve, Barnhart, Brooke, Elliott, Ewer, McCarthy, Molnar, Raney.  
Total 8

Voted Absentee: ; Brooke, Ewer, Noes.

Excused: Wiseman.  
Total 1

Absent or not voting: Brown.  
Total 1

Representative Bergsagel excused at this time.

**HB 190** - Representative Mason moved HB 190 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bachini, Davis, DeBruycker, Grinde, Herron, Larson, McCaffree, Peck, Peterson, Simon.  
Total 10

Voted Absentee: Bergsagel, Brooke, Ewer, Ayes.

Excused: Wiseman.  
Total 1



Absent or not voting: None.  
Total 0

**HB 92** - Representative Tunby moved HB 92 do pass.

Representative Gervais made a substitute motion HB 92 be passed for the day. Motion carried as follows: (48-44).

**HB 142** - Representative Brown moved HB 142, second reading copy, be amended as follows (amendment #1):

1. Strike: House Committee of the Whole amendments dated 1/28/93, 12:43 p.m., sponsored by Russell, in their entirety.
2. Strike: House Committee of the Whole amendments dated 1/28/93, 2:11 p.m., sponsored by Anderson, in their entirety.

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Rehbein, J. Rice, Sayles, Schwinden, Simon, Simpkins, Squires, Stanford, Stovall, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Zook, Mr. Speaker.

Total 74

Noes: Barnhart, Cobb, Elliott, Fagg, Gervais, Hibbard, Kasten, Knox, Menahan, Orr, Peterson, Ream, S. Rice, Rose, Russell, Ryan, Schye, Spring, Strzich, Swanson, Wyatt.

Total 21

Voted Absentee: Bergsagel, Aye.

Excused: Bardanouve, Brooke, Ewer, Wiseman.  
Total 4

Absent or not voting: Smith.  
Total 1

Representative Anderson moved HB 142, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson,

Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Barnhart, Benedict, Whalen.

Total 3

Voted Absentee: Brooke, Ewer, Wiseman, Ayes.

Excused: Bardanoue, Bergsagel.

Total 2

Absent or not voting: None.

Total 0

Representative Cobb excused at this time.

**HJR 4** - Representative Barnhart moved HJR 4 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Clark, DeBruycker, Rehbein.

Total 4

Voted Absentee: Brooke, Ewer, Ayes; Bergsagel, No.

Excused: Cobb, Wiseman.

Total 2

Absent or not voting: Molnar.

Total 1

**SB 10** - Representative Bohlinger moved SB 10 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 91

Noes: Bachini, Bergsagel, Cobb, Peck, Rehbein, Simpkins, Smith.

Total 7

Voted Absentee: Brooke, Ewer, Ayes; Bergsagel, Cobb, Noes.

Excused: Wiseman, Zook.

Total 2

Absent or not voting: None.

Total 0

Representative Kasten excused at this time.

**SB 57** - Representative Keller moved SB 57 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 94

Noes: Fisher.

Total 1

Voted Absentee: Bergsagel, Brooke, Ewer, Ayes.

Excused: Cobb, Kasten, Wiseman, Zook.

Total 4

Absent or not voting: Bardanouve.

Total 1

**SB 45** - Representative Brandewie moved SB 45 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 89

Noes: Bergsagel, Boharski, Driscoll, McCarthy, Peck, Quilici.

Total 6

Voted Absentee: Brooke, Ewer, Ayes; Bergsagel, No.

Excused: Cobb, Kasten, Wiseman, Zook.

Total 4

Absent or not voting: Bardanouve.

Total 1

**SB 43** - Representative Wallin moved SB 43 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Gervais, Gilbert, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman.

Total 67

Noes: Boharski, Brandewie, Cobb, Cocchiarella, Daily, Driscoll, Ewer, Feland, Grady, Grimes, Grinde, Harper, Hibbard, Kasten, Mason, McCaffree, McCarthy, Menahan, Molnar, Pavlovich, Peck, Peterson, J. Rice, Toole, Tunby, Wagner, Winslow, Wyatt, Mr. Speaker.

Total 29



Voted Absentee: Bergsagel, Brooke, Wiseman, Ayes; Cobb, Ewer, Kasten, Noes.

Excused: Zook.

Total 1

Absent or not voting: Bardanouve, Galvin, Strizich.

Total 3

Representative Grady excused at this time.

**SB 83** - Representative Wagner moved SB 83 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 94

Noes: None.

Total 0

Voted Absentee: Bergsagel, Brooke, Ewer, Ayes.

Excused: Cobb, Grady, Kasten, Wiseman, Zook.

Total 5

Absent or not voting: Bardanouve.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman R. Johnson moved the adoption of the committee report. Report adopted. (82-8)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 43** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Dolezal, Dowell,

Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Hayne, Herron, Hibbard, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wyatt, Mr. Speaker.  
Total 76

Noes: Benedict, Bergman, Brown, Cobb, Daily, Davis, DeBruycker, Foster, Gervais, H.S. Hanson, M. Hanson, Harrington, J. Johnson, T. Nelson, Orr, Pavlovich, Quilici, Schye, Winslow.  
Total 19

Voted Absentee: Bergsagel, Brooke, Grady, Ayes; Cobb, No.

Excused: Ewer, Kasten, Wiseman, Zook.  
Total 4

Absent or not voting: Bardanouve.  
Total 1

**HB 128** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.  
Total 88

Noes: Benedict, DeBruycker, M. Hanson, Harrington, Kasten, Rehbein, Wagner.  
Total 7

Voted Absentee: Bergsagel, Brooke, Grady, Ayes; Kasten, No.

Excused: Cobb, Ewer, Wiseman, Zook.  
Total 4

Absent or not voting: Bardanouve.  
Total 1

**HB 194** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 86

Noes: Bergsagel, DeBruycker, Hayne, Kasten, Peterson, Rehbein, S. Rice, Sayles, Spring.

Total 9

Voted Absentee: Brooke, Grady, Ayes; Bergsagel, Kasten, Noes.

Excused: Cobb, Ewer, Wiseman, Zook.

Total 4

Absent or not voting: Bardanouve.

Total 1

### ANNOUNCEMENTS

Mr. Speaker congratulated the members for their hard work and cooperation. He also mentioned that the number of bills introduced this session is 450 less than last session.

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, February 1, 1993. Motion carried.

House adjourned at 10:53 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
February 1, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Rose. Pledge of Allegiance to the Flag.

Roll call. All members present except Schye, Spring, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/1/93

Correctly printed for second reading: HB 181, HB 189, HB 230, HB 247, HB 300.

Correctly engrossed for third reading: HB 123, HB 142, HB 167, HB 186, HB 190, HB 225, HB 230, HB 238, HB 250, HB 251, HB 297, HB 312, HJR 4, SB 10, SB 43, SB 45, SB 57, SB 83.

Correctly enrolled: HB 53.

Examined by the sponsor and found to be correct: 1/30/93  
HB 53 - Benedict

Signed by the Speaker at 9:00 a.m., 2/1/93: HB 53, SB 24, SB 66.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

1/28/93

**SB 28**, third reading copy, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):

1/30/93

**HB 232**, introduced bill, do pass. Report adopted.

**HB 256**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "ANY"

Insert: "MILITARY-RELATED"

2. Page 11, line 6.

Following: "(B)"

Insert: "one set of"

Following: "other"

Strike: "plate"

Insert: "military-related plates"

3. Page 21, line 17.

Following: "(B)"

Insert: "one set of"

Following: "other"

Strike: "plate"

Insert: "military-related plates"

And, as amended, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

2/1/93

**HB 241**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "AN IMMEDIATE"

Strike: "DATE"  
Insert: "DATES"

2. Page 1, line 20.

Following: "administration."

Insert: "The board shall also adopt rules implementing the requirement that a supervisor of a clinical laboratory technician must be accessible at all times that testing is being performed in order to provide onsite, telephonic, or electronic consultation."

3. Page 4, line 3.

Following: "performs"

Insert: "low and medium complexity"

4. Page 4, line 11.

Strike: "personal and direct"

5. Page 5, line 12.

Following: "not"

Insert: "engage in the"

Following: "practice"

Insert: "of"

6. Page 5, line 23.

Following: "practice"

Insert: ", as defined by statute, rules of the board or agency governing the other profession, or both the statute and rules,"

7. Page 9, line 12.

Strike: "and"

8. Page 9, line 15.

Following: "practitioners"

Insert: "; and

(h) a requirement that the supervisor of a clinical laboratory technician be accessible at all times that testing is being performed by the technician in order to provide onsite, telephonic, or electronic consultation "

9. Page 10, line 22.

Strike: "practicing"

Insert: "engaged in the practice of"

10. Page 11, line 5.

Strike: "practiced"

Insert: "engaged in the practice of"

11. Page 14, line 16.

Following: "board."

Insert: "The board may in all cases conduct an investigation of the allegations in the written charges and dismiss those that it determines are frivolous or without sufficient factual foundation."

12. Page 15, line 12.

Strike: "[This act] is"

Insert: "[Sections 6, 7, 14, 15, and this section] are"

And, as amended, do pass. Report adopted.

**HB 309**, introduced bill, do pass. Report adopted.

**SB 80**, third reading copy, be amended as follows:

1. Title, line 6.

Following: "EXAMINATION;"

Insert: "REVISING THE FORM OF SUPERVISION UNDER WHICH THE  
APPLICANT MAY BE REEXAMINED;"

2. Title, line 8.

Following: "37-16-403"

Insert: ", 37-16-405,"

3. Page 1, lines 14 and 18.

Strike: "THIRD"

Insert: "second"

4. Page 2, lines 7 through 8.

Strike: ", UNLESS" on line 7 through "BOARD" on line 8

5. Page 2, lines 11 and 12.

Strike: ", UNLESS" on line 11 through "BOARD" on line 12

6. Page 2, lines 13 through 19.

Following: "fails" on line 13

Strike: the remainder of line 13 through "TIME." on line 19

Insert: "the practical reexamination is eligible for a second reexamination  
within 1 year of the first reexamination but only under rules of the  
board that require additional education and training."

7. Page 2.

Following: line 19

Insert: "Section 2. Section 37-16-405, MCA, is amended to read:

"37-16-405. Trainee license. (1) An applicant who fulfills  
the requirements of 37-16-402 and who has not previously applied  
to take the practical examination under 37-16-403 may apply to  
the board for a trainee license.

(2) On receiving an application under subsection (1),  
accompanied by a fee fixed by the board and commensurate with  
the cost of administering the license and related functions of the  
board and verification that the applicant has passed the written  
portion of the examination with a score of at least 70%, the board  
shall issue a trainee license that entitles the applicant to engage in  
a 12-month training period during which ~~he~~ the applicant shall:

(a) pass the practical examination administered by the  
board before he may be issued a hearing aid dispenser's license;

(b) ~~work for the first 90 days~~ work for the first 90 days under the direct supervision  
of the sponsoring licensed hearing aid dispenser until the applicant

passes the practical examination, during which time he the applicant may do the testing necessary for proper selection and fitting of hearing aids and related devices and make necessary impressions. However, the delivery and final fitting of the hearing aid and related devices must be made by the trainee and his supervisor.

~~(e) work for the balance of the training period during which he may engage in all activities allowed a licensed hearing aid dispenser, under the general supervision of a licensed hearing aid dispenser.~~

(3) The training period must consist of a continuous 12-month term. Any break in training requires application for another trainee license under such rules as the board may prescribe.

(4) A trainee license may not be issued unless the board has on file an unrevoked statement from a qualified licensed hearing aid dispenser accepting responsibility for the trainee. Every licensed hearing aid dispenser supervising a trainee license holder must submit a quarterly report of the trainee's activities and training assignments, on forms furnished by the board. The supervisor is responsible for all hearing aid fittings of the trainee. A supervisor may terminate his responsibilities to the trainee by mailing by certified mail written notice to the board and the trainee.

(5) (a) If a person who holds a trainee license takes and fails to pass the practical examination given within his training period, the board may authorize the department to renew the trainee license for a period ending 30 days after the next examination. In no event may more than two renewals be permitted.

(b) The fee for renewal shall be set by the board commensurate with the cost of administering the license and related functions of the board.

(6) A person licensed as an audiologist under the provisions of Title 37, chapter 15, is exempt from the 12-month training period but is required to pass the examinations prescribed in this chapter.

(7) A licensed hearing aid dispenser who sponsors a trainee is directly responsible and accountable under the disciplinary authority of the board for the conduct of the trainee as if the conduct were the licensee's own.

(8) For the purposes of this section:

(a) "direct supervision" means the direct and regular observation and instruction of a trainee by a licensed hearing aid dispenser who is available in the same place of business for prompt consultation and treatment; and.

(b) ~~"general supervision" means oversight by a licensed hearing aid dispenser of those tasks and procedures that do not require the physical presence of the licensed dispenser on the business premises. However, the trainee remains under the licensed hearing aid dispenser's direction, control, responsibility, and evaluation."~~

Renumber: subsequent sections



And, as amended, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman):

1/28/93

**HB 187**, introduced bill, be amended as follows:

1. Title, lines 9 and 10.

Following: "ANNOTATED;" on line 9

Insert: "AND"

Strike: "; AND" on line 9 through "DATE" on line 10

2. Page 4, lines 6 through 17.

Strike: sections 2 through 4 in their entirety

And, as amended, do pass. Report adopted.

**HB 234**, introduced bill, do pass. Report adopted.

**HB 235**, introduced bill, do pass. Report adopted.

**SB 12**, third reading copy, be amended as follows:

1. Page 2, lines 7 through 9.

Strike: "Because" on line 7 through end of line 9

Insert: "Upon the request of the victim or the victim's representatives, testing and the test results must be made available for the victim's information. Testing information may or may not reveal exposure to the HIV virus. If exposed, the victim can"

And, as amended, be concurred in. Report adopted.

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

1/30/93

**HB 56**, introduced by L. Nelson

**HB 59**, introduced by L. Nelson

Senate bills passed and transmitted to the House for concurrence:

1/30/93

**SB 68**, introduced by Blaylock

**SB 70**, introduced by Brown

**SB 104**, introduced by Gage

**SB 109**, introduced by Doherty

**SB 125**, introduced by Van Valkenburg

**SB 175**, introduced by Gage

**SB 206**, introduced by Bruski-Maus

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

January 29, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 45 and 74 on January 29, 1993.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 416**, introduced by Strizich, Russell, Cocchiarella, Franklin, Tuss, Harper, Bartlett, Raney, Schye, Halligan, D. Brown, Brooke, McCulloch, Gervais, Blaylock, Doherty, Elliott, Fagg, Rye, Toole, referred to Committee on Judiciary

**HB 417**, introduced by Tunby, Harper, Fagg, Weldon (by request of the Department of Health and Environmental Sciences), referred to Committee on Natural Resources

**HB 418**, introduced by D. Brown, referred to Committee on Taxation

**HB 419**, introduced by Grady, Swanson, Bianchi (by request of the Department of Health and Environmental Sciences), referred to Committee on Natural Resources

**HB 420**, introduced by Harper, Bardanouve, Simon, referred to Committee on Natural Resources

**HB 421**, introduced by Strizich, McCulloch, Doherty, referred to Committee on Taxation

The following Senate bills were introduced, read first time, and referred to committee:

**SB 68**, introduced by Blaylock (by request of the Department of Administration), referred to Committee on Judiciary

**SB 70**, introduced by B. Brown (by request of the Department of Family Services), referred to Committee on Judiciary

**SB 104**, introduced by Gage, referred to Committee on Natural Resources

**SB 109**, introduced by Doherty, referred to Committee on Judiciary

**SB 125**, introduced by Van Valkenburg, J. Rice, referred to Committee on Judiciary

**SB 175**, introduced by Gage, referred to Committee on Taxation

**SB 206**, introduced by Bruski-Maus, Kennedy, Rye, L. Nelson, Tveit, Weldon, Larson, Rea, Gage, Beck, J. Johnson, Hansen, Galvin, Barnett, Spring, Keller, M. Hanson, Benedict, Bianchi, Peck, Jergeson, Hibbard, Hayne, Brandewie, Tunby, Wallin, Bachini, Ream, Weeding, Hockett, referred to Committee on Taxation

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McCulloch in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 64** - Representative Grady moved HB 64 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bird, Boharski, Brandewie, Brown, Clark, Cobb, Cocchiarella, DeBruycker, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 64

Noes: Bachini, Bardanouve, Barnhart, Bergsagel, Bohlinger, Brooke, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ewer, Galvin, Gervais, Hansen, Harper, Kadas, Larson, McCaffree, McCulloch, Peck, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Squires, Stanford, Tuss, Vogel, Wanzenried, Wyatt.  
Total 34

Excused: Schye, Spring.  
Total 2

Absent or not voting: None.  
Total 0

**HB 156** - Representative Grinde moved consideration of HB 156 be placed below HB 254 on the second reading board. Motion carried.

**HB 169** - Representative Ewer moved HB 169 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Boharski, DeBruycker, Driscoll, Feland, Fisher, Grinde, Ryan, Squires.

Total 8

Excused: Schye, Spring.

Total 2

Absent or not voting: Daily, Gervais.

Total 2

Representative Schye present at this time.

**HB 171** - Representative M. Hanson moved HB 171 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Harper, Kadas, Raney, S. Rice, Squires, Whalen.

Total 6

Excused: Spring.

Total 1

Absent or not voting: DeBruycker, Molnar.

Total 2

**HB 211** - Representative Brooke moved HB 211 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall,



Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Bergsagel, Clark, Cobb, Feland, Grinde, Kasten, Molnar, Orr, Rehbein, Simpkins, Wagner.  
Total 11

Excused: Spring.  
Total 1

Absent or not voting: Grady, J. Johnson, Pavlovich.  
Total 3

**HB 221** - Representative Schye moved HB 221 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Bachini, Bergsagel, Boharski, Cobb, DeBruycker, Grinde, Peterson, Wagner.  
Total 8

Excused: Spring.  
Total 1

Absent or not voting: Driscoll, Gervais, Grady.  
Total 3

**HB 298** - Representative Bird moved HB 298 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall,

Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel.  
Total 1

Excused: Spring.  
Total 1

Absent or not voting: Grady, Molnar, Raney.  
Total 3

Representative Spring present at this time.

**HB 254** - Representative McCaffree moved HB 254 do pass. Motion carried as follows:

Ayes: Barnett, Barnhart, Bergman, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Gilbert, Grimes, Grinde, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Winslow, Wiseman, Wyatt.  
Total 55

Noes: Anderson, Bachini, Bardanouve, Benedict, Bergsagel, Bird, Boharski, Brandewie, Clark, Cobb, DeBruycker, Dowell, Ellis, Fagg, Feland, Fisher, Foster, Grady, Hansen, H.S. Hanson, Hayne, Kasten, Keller, Mason, Mills, Molnar, L. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Simon, Simpkins, Spring, Stovall, Tash, Vogel, Wagner, Wallin, Wanzenried, Whalen, Zook, Mr. Speaker.  
Total 45

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 156** - Representative Driscoll moved HB 156, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (43-55)

Representative Kadas moved HB 156 do pass.

Representative Brown made a substitute motion HB 156 do not pass. Motion carried as follows:

Ayes: Anderson, Benedict, Bergman, Bergsagel, Bird, Boharski, Brown, Clark, Daily, Davis, DeBruycker, Driscoll, Ellis, Endy, Feland, Fisher, Gervais, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan,

Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, Ryan, Sayles, Simpkins, Smith, Squires, Stovall, Tash, Tunby, Vogel, Wagner, Whalen, Wyatt, Zook.

Total 52

Noes: Bachini, Bardanouve, Barnett, Barnhart, Bohlinger, Brooke, Cobb, Cocchiarella, Dolezal, Dowell, Elliott, Ewer, Fagg, Foster, Galvin, Gilbert, Grimes, Hansen, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, McCulloch, L. Nelson, Peck, Raney, Ream, J. Rice, Rose, Russell, Schwinden, Schye, Spring, Stanford, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Winslow, Wiseman, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: Brandewie, S. Rice, Simon.

Total 3

**SB 8** - Representative Foster moved SB 8 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: McCaffree, Molnar.

Total 2

Excused: None.

Total 0

Absent or not voting: Endy, Menahan, S. Rice, Squires, Whalen.

Total 5

**SB 110** - Representative M. Hanson moved SB 110 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox,

Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 86

Noes: Benedict, Boharski, DeBruycker, Dowell, Feland, Fisher, Grinde, Herron, Peck, Rehbein, Wagner, Wyatt.

Total 12

Excused: None.

Total 0

Absent or not voting: Bachini, Cocchiarella.

Total 2

**SB 126** - Representative Larson moved SB 126 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Boharski, DeBruycker.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 127** - Representative Larson moved SB 127 be concurred in. Motion carried as follows:

Ayes: Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch,



Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Anderson, Bachini, Bergsagel, Boharski, DeBruycker, Feland, Gervais, Peck, Rehbein, Toole.

Total 10

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman McCulloch moved the adoption of the committee report. Report adopted. (82-16)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 139** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Toole.

Total 1

Excused: None.

Total 0

Absent or not voting: Hibbard, Wiseman.

Total 2

**HB 197** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, DeBruycker, Peterson, Raney, Rehbein, Sayles.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 203** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bergman.

Total 1

**HB 209** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: McCaffree, L. Nelson, Peck.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Ewer.  
Total 1

**HB 118** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Boharski, Feland, Fisher, Grinde, Hayne, Herron, T. Nelson, Peterson, Rehbein, Spring, Stovall.  
Total 11

Excused: None.  
Total 0

Absent or not voting: DeBruycker.  
Total 1

**HB 191** passed as follows:

Ayes: Benedict, Bergman, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Galvin, Gervais, Grady, Hansen, H.S. Hanson, Harrington, Hibbard, J. Johnson, R. Johnson, Kasten, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Swanson, Tash, Tuss, Wallin, Whalen, Wyatt.

Total 58

Noes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Bird, Boharski, Brandewie, Clark, Fisher, Foster, Gilbert, Grimes, Grinde, M. Hanson, Harper, Hayne, Herron, Kadas, Keller, Knox, McCaffree, T. Nelson, Orr, Peck, Peterson, J. Rice, Rose, Sayles, Spring, Stovall, Toole, Tunby, Vogel, Wagner, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 41

Excused: None.

Total 0

Absent or not voting: Strizich.

Total 1

**SB 6** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Cobb, Galvin, McCaffree, Molnar, Rehbein, Sayles, Wyatt.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0



**SB 7** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel, McCaffree.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Ewer.  
Total 1

**SB 34** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 81

Noes: Bergman, Bergsagel, Clark, DeBruycker, Ellis, Feland, Gilbert, Grinde, Hayne, Kasten, Molnar, L. Nelson, Orr, Peck, Peterson, Rehbein, Spring, Zook.  
Total 18

Excused: None.  
Total 0

Absent or not voting: Benedict.  
Total 1

HOUSE JOURNAL  
REGULAR SESSION**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Tuesday, February 2, 1993. Motion carried.

House adjourned at 2:39 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
February 2, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Ewer. Pledge of Allegiance to the Flag.

Roll call. All members present except Grady, Menahan, L. Nelson, Whalen, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-third and twenty-fourth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/2/93  
Correctly printed for second reading: HB 187, HB 232, HB 234, HB 235, HB 241, HB 256, HB 309.  
Correctly engrossed for third reading: HB 64, HB 169, HB 171, HB 211, HB 221, HB 254, HB 298, SB 8, SB 110, SB 126, SB 127.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 2/1/93  
**SB 98**, third reading copy, be amended as follows:

1. Page 1, line 14.  
Following: "granted in"  
Insert: "80-5-202(8) and in"
2. Page 1, line 17.  
Following: "laws"  
Insert: "and rules establishing a seed dealer's license fee"
3. Page 1, line 22.  
Following: "violations."  
Insert: "It is further intended that the department establish a two-tiered license fee schedule under which a licensee with gross annual sales of \$5,000 or less shall pay a lower fee than a licensee with gross annual sales in excess of \$5,000."
4. Page 2, line 7.  
Following: "~~media~~:"  
Insert: "(1) "Advertise" means to offer seed or grain for sale by means of newspapers, magazines, pamphlets, signs, or other printed media or by radio, television, or other electronic media."  
Renumber: subsequent subsections
5. Page 2, line 19.  
Strike: "varietal identification,"  
Following: "guaranty"  
Strike: " \_ "
6. Page 3, line 5.

Strike: "(4)(A)"

Insert: "(5)(a)"

7. Page 8, line 4.

Strike: "and"

8. Page 8, line 6.

Following: ";and"

Insert: "a Montana seed grower when selling seed from the grower's own production to a licensed seed dealer; and"

9. Page 8, lines 7 and 8.

Following: "(e)" on line 7

Insert: "(c)"

Following: "seed"

Insert: "seed"

Following: "advertised" on line 8

Insert: "that are not advertised by varietal identification"

10. Page 8, line 18.

Following: "year."

Insert: "The department shall establish by rule a lower license fee for a seed dealer with gross annual sales of \$5,000 or less."

And, as amended, be concurred in. Report adopted.

APPROPRIATIONS (Zook, Chairman):

2/1/93

**HB 111**, introduced bill, do pass. Report adopted.

**HB 112**, introduced bill, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

2/2/93

**HB 210**, introduced bill, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):

2/2/93

**HB 294**, introduced bill, be amended as follows:

1. Title, line 11.

Strike: "AND"

Following: second "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 26, line 14.

Following: line 13

Insert: "NEW SECTION. Section 17. Effective date. [This act] is effective January 1, 1995."

And, as amended, do pass. Report adopted.

**HB 337**, introduced bill, be amended as follows:

1. Page 1, line 20.

Strike: "justice"



Insert: "fish, wildlife, and parks"

2. Page 2, line 23.

Following: "\$100."

Insert: "All fines collected under this section must be transmitted to the state treasurer, who shall deposit the money in the account created under 23-2-804(3). Fifty percent of this money and the interest earned on it must be used for off-highway vehicle safety and education. The remaining 50% of the money and the interest earned on it must be used for enforcement."

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (T. Nelson, Chairman): 1/29/93

Adverse Committee Report

**HB 199**, do not pass.

STATE ADMINISTRATION (Simpkins, Chairman):

2/1/93

**HB 244**, introduced bill, do pass. Report adopted.

**HB 291**, introduced bill, do pass. Report adopted.

#### MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

2/1/93

**HB 63**, introduced by Keller

Senate bills passed and transmitted to the House for concurrence:

2/1/93

**SB 46**, introduced by Halligan

**SB 103**, introduced by Fritz

**SB 150**, introduced by Bartlett

**SB 174**, introduced by Weldon

#### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 422**, introduced by Larson, Ream, Wanzenried, Harrington, Kadas, Menahan, Dowell, McCulloch, Squires, Toole, Raney, Harper, referred to Committee on Business and Economic Development

**HB 423**, introduced by Gilbert, Spring, referred to Committee on Natural Resources

**HB 424**, introduced by Spring, Peck, J. Johnson, referred to Committee on Education and Cultural Resources

**HB 425**, introduced by Kadas, Bardanouve, Zook, R. Johnson, Peck, T. Nelson, Cobb, Pavlovich, Jacobson, Grinde, Jergeson (by request of the Legislative Audit Committee and the Legislative Finance Committee), referred to Committee on Appropriations

**HB 426**, introduced by Harper, Fisher, Ryan, referred to Committee on Local Government

**HB 427**, introduced by Cobb, Keating, Rye, Barnett, Mills, Devlin, Gage, Bohlinger, Kasten, Simon, R. Johnson, referred to Committee on Appropriations

**HB 428**, introduced by Harper, J. Rice, Hibbard, Lynch, Waterman, Swanson, Grady, Ewer, Russell, Eck, Bartlett, Tash, Van Valkenburg, Jergeson, B. Brown, Spring, Menahan, Cobb, Jacobson, referred to Committee on Appropriations

**HB 429**, introduced by Strizich, Doherty, J. Rice, Vogel, Ryan, D. Brown, Dolezal, Christiaens, Clark, McCulloch, Fagg, Schye, referred to Committee on Judiciary

**HB 430**, introduced by Strizich, Doherty, Vogel, Dolezal, Cocchiarella, Christiaens, D. Brown, Ryan, McCulloch, Clark, referred to Committee on State Administration

**HB 431**, introduced by Strizich, Christiaens, Dolezal, Vogel, Ryan, Cocchiarella, Doherty, Clark, D. Brown, Dowell, McCulloch, referred to Committee on State Administration

**HB 432**, introduced by Smith, Harper, Endy (by request of the Board of Outfitters), referred to Committee on Fish and Game

**HB 433**, introduced by Ellis, Burnett, Strizich, Yellowtail, Driscoll, Simon, Nathe, Stovall, D. Brown, Simpkins, referred to Committee on Judiciary

**HB 434**, introduced by Whalen, referred to Committee on Natural Resources

The following Senate bills were introduced, read first time, and referred to committee:

**SB 46**, introduced by Halligan, referred to Committee on Judiciary

**SB 103**, introduced by Fritz, Harper, referred to Committee on Local Government

**SB 150**, introduced by Bartlett (by request of the Department of Social and Rehabilitation Services), referred to Committee on Judiciary

**SB 174**, introduced by Weldon, S. Rice, Toole, B. Brown, Elliott, Kadas, Harp, Ream, McClernan, Barnhart, Swanson, Dowell, Doherty, referred to Committee on State Administration

### MOTIONS

Representative Daily moved HB 212 be taken from the table in the Committee on Natural Resources, printed, and placed on second reading this legislative day. Motion failed as follows: (47-48)

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kasten in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 181** - Representative Barnett moved HB 181 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Cobb, Feland, Fisher, Molnar, Peck.  
Total 5

Voted Absentee: L. Nelson, Aye.

Excused: Grady, Menahan, Whalen.  
Total 3

Absent or not voting: Kasten, Quilici, Tuss.  
Total 3

**HB 247** - Representative Ewer moved HB 247 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Boharski, DeBruycker.  
Total 2

Voted Absentee: L. Nelson, Whalen, Ayes.

Excused: Grady, Menahan.  
Total 2

Absent or not voting: Kasten.

Total 1

**HB 300** - Representative Swanson moved HB 300 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergman, Bergsagel, Daily, Pavlovich.

Total 4

Voted Absentee: L. Nelson, Whalen, Ayes.

Excused: Grady, Menahan.

Total 2

Absent or not voting: None.

Total 0

**SB 17** - Representative Elliott moved consideration of SB 17 be passed for the day. Motion carried.

**SB 36** - Representative S. Rice moved SB 36 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0



Voted Absentee: Menahan, L. Nelson, Whalen, Ayes.

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 90** - Representative Davis moved SB 90 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Cobb, DeBruycker, Gilbert, M. Hanson, Herron, Rehbein.

Total 6

Voted Absentee: Menahan, L. Nelson, Whalen, Ayes.

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Kasten moved the adoption of the committee report. Report adopted. (88-7)

### MOTIONS

Representative Simpkins moved HB 404 be taken from the Committee on Highways and Transportation and rereferred to the Committee on State Administration. Motion carried.

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, February 3, 1993. Motion carried.

House adjourned at 2:12 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana  
February 3, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Winslow. Pledge of Allegiance to the Flag.

Roll call. All members present except Cobb, Herron, Schwinden, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-fifth and twenty-sixth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/3/93  
Correctly printed for second reading: HB 111, HB 112, HB 210, HB 244,  
HB 291, HB 294, HB 337.  
Correctly engrossed for third reading: HB 181, HB 247, HB 300, SB 36,  
SB 90.  
Correctly enrolled: HB 34, HB 56, HB 59.  
Examined by the sponsor and found to be correct:  
HB 34 - Davis  
HB 56 - L. Nelson  
HB 59 - L. Nelson  
HB 117 - Kasten 2/1/93  
Delivered to the Governor for his approval at 10:45 a.m., 2/3/93: HB 28,  
HB 53, HB 77, HB 80.

APPROPRIATIONS (Zook, Chairman): 2/2/93  
**HB 23**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.  
Following: "FUNDS" on line 8  
Insert: "AND FUND TRANSFERS"  
Following: "PROCESS;" on line 9  
Insert: "PROVIDING FOR TRANSFER OF FUNDS BETWEEN AGENCIES;"
2. Page 1, lines 20 and 21.  
Strike: "a written agreement, such as"
3. Page 1, line 21.  
Following: "or"  
Insert: "a"  
Following: "contract,"  
Insert: "a"  
Following: "donation"  
Insert: "of \$500 or more that is accompanied by a written agreement"
4. Page 2, line 2.  
Following: "statement"  
Strike: "that"  
Insert: "concerning the degree to which"

Following: "agreement"

Strike: "will not"

Insert: "may"

5. Page 9, line 19.

Strike: "grant"

Insert: "federal"

Following: "revenue"

Insert: ", additional tuition collected by the Montana university system, additional revenue deposited in the internal service funds within the department as a result of increased service demands by state agencies,"

6. Page 14, following line 3.

Insert: "(4) Authority to expend appropriated money may be transferred from one state agency to another, provided that the original purpose of the appropriation is maintained. The office of budget and program planning shall report semiannually to the legislative finance committee concerning all appropriations transferred under the provisions of this section."

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

2/2/93

**HB 284**, introduced bill, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):

2/2/93

**SB 135**, third reading copy, be concurred in. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman):

2/3/93

**HB 223**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/2/93

**HB 217**, introduced bill, do pass. Report adopted.

**HB 289**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Following: "EMPLOYEE" on line 6

Strike: "MUST" through "UNUSED," on line 7

Insert: "IS ENTITLED TO USE"

2. Title, line 9.

Following: "LEAVE;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 14.

Following: "(1)"

Strike: "Annual"

Insert: "(a) Except as provided in subsection (1)(b), annual"



4. Page 1, line 19.  
Following: "accrued."  
Insert: "(b)"

5. Page 1, line 23.  
Following: line 22  
Insert: "reasonable"

6. Page 1, line 24.  
Following: "forfeited"  
Insert: "under subsection (1)(a)"

7. Page 1, line 25 through page 2, line 4.  
Following: "denies the" on page 1, line 25  
Strike: "employee" through "section" on page 2, line 4  
Insert: "request, the excess vacation leave is not forfeited and the employing agency shall ensure that the employee may use the excess vacation leave before the end of the calendar year in which the leave would have been forfeited under subsection (1)(a)"

8. Page 2.  
Following: line 16  
Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 292**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.  
Following: "ADOPT" on line 8  
Strike: "BY" through "OF" on line 9  
Insert: "RULES BASED ON"

2. Page 1, line 18.  
Following: "commission"  
Strike: "may"  
Following: "adopt"  
Strike: "those"

3. Page 1, lines 19 through 23.  
Following: "code" on line 19  
Strike: "or" through "code" on line 23

4. Page 2, line 21.  
Following: "commission"  
Strike: "may"  
Insert: "shall"

5. Page 2, line 22.  
Following: "commission"  
Strike: "may" through "discretion."  
Insert: "shall"

6. Page 2, line 23.

Following: "rule"

Strike: "revised editions"

Insert: "standards for electrical safety. The standards must be based on standards published in the most recent edition"

And, as amended, do pass. Report adopted.

**HJR 6**, introduced bill, do pass. Report adopted.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/2/93

**SB 147**, introduced by Brown

**SB 241**, introduced by Brown

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 435**, introduced by Sayles, Feland (by request of the Department of Administration), referred to Committee on State Administration

**HB 436**, introduced by T. Nelson, Keating, Driscoll, Hager, referred to Committee on Taxation

**HB 437**, introduced by Harrington, referred to Committee on Taxation

**HB 438**, introduced by Brooke, Grimes, Bird, Harrington, Toole, Wanzenried, Barnhart, Hansen, J. Rice, Cocchiarella, referred to Committee on Local Government

**HB 439**, introduced by Foster, referred to Committee on Education and Cultural Resources

**HB 440**, introduced by Wallin, Fisher, referred to Committee on Local Government

**HB 441**, introduced by Rehbein (by request of the Board of Water Well Contractors), referred to Committee on Business and Economic Development

**HB 442**, introduced by Knox (by request of the Department of State Lands), referred to Committee on Natural Resources

**HB 443**, introduced by McCulloch, Rehbein, Ellis, J. Johnson, Peck, Gervais, Dolezal, Wiseman, Wyatt, Bird, Halligan, Forrester, referred to Committee on Education and Cultural Resources

**HB 444**, introduced by Pavlovich, Daily, Lynch, Bachini, Harrington, McCarthy, Driscoll, Larson, J. Johnson, D. Brown, referred to Committee on Taxation

**HB 445**, introduced by McCulloch, Rehbein, Simpkins, Lynch, Peck, J. Johnson, Brandewie, Gervais, Dolezal, Bird, Wyatt, Wiseman, Ellis, Fritz, Halligan, Forrester, referred to Committee on Labor and Employment Relations

**HB 446**, introduced by Clark, Galvin, Stang, Vogel, Swysgood (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**HB 447**, introduced by Swanson, Ewer, Spring, Fagg, Raney, Brooke, Endy, Ryan, Harper, Dolezal, Menahan, Ellis, Grosfield, Doherty, Whalen, referred to Committee on Taxation

**HB 448**, introduced by Orr, referred to Committee on Natural Resources

**HB 449**, introduced by Brooke, Brandewie, Dowell, Kadas, Squires, Schye, Davis, Ream, referred to Committee on Business and Economic Development

**HB 450**, introduced by L. Nelson, referred to Committee on Taxation

**HB 451**, introduced by Harrington, Cocchiarella, Pavlovich, Driscoll, McCarthy, Daily, Galvin, referred to Committee on State Administration

**HB 452**, introduced by Harrington, Raney, McCaffree, Kadas, Harper, Driscoll, Quilici, McCarthy, Dolezal, Towe, referred to Committee on Taxation

**HB 453**, introduced by Molnar, Driscoll, referred to Select Committee on Workers' Compensation

**HB 454**, introduced by Vogel, Forrester, Mills, T. Nelson, Stovall, referred to Committee on Natural Resources

**HB 455**, introduced by Elliott, Crippen, Forrester, Grimes, referred to Select Committee on Workers' Compensation

The following Senate bills were introduced, read first time, and referred to committee:

**SB 147**, introduced by B. Brown, Toole, Whalen, Wilson, referred to Committee on Business and Economic Development

**SB 241**, introduced by B. Brown (by request of the Department of Revenue), referred to Committee on State Administration

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 64** passed as follows:

Ayes: Anderson, Bardanoue, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Bachini, Barnhart, Bergsagel, Brooke, Daily, Davis, Elliott, Ewer, Galvin, Harper, Kadas, McCaffree, McCulloch, Peck, Raney, Ream, Russell, Ryan, Schye, Squires, Stanford, Tuss, Vogel, Wanzenried, Whalen.

Total 25

Excused: Cobb, Herron, Schwinden.

Total 3

Absent or not voting: Strizich.

Total 1

**HB 123** passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Bardanouve, Barnhart, Brooke, Elliott, Ewer, Larson, McCarthy, McCulloch, Raney, Ream, Wyatt.

Total 11

Excused: Cobb, Herron, Schwinden.

Total 3

Absent or not voting: Hansen, Strizich.

Total 2

**HB 142** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Benedict, Bergsagel, Brooke, Driscoll, Elliott, Grady, Grimes, Hansen, Hibbard, Larson, Peck, Russell, Wanzenried, Winslow.

Total 14

Excused: Cobb, Herron, Schwinden.

Total 3

Absent or not voting: DeBruycker, Pavlovich, Strizich, Vogel.

Total 4



**HB 169** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Ewer, Fagg, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 80

Noes: Bergsagel, Boharski, Brandewie, Brooke, DeBruycker, Driscoll, Endy, Feland, Fisher, Gervais, Pavlovich, Peck, Ryan, Squires, Toole.

Total 15

Excused: Cobb, Herron, Schwinden.

Total 3

Absent or not voting: Strizich, Mr. Speaker.

Total 2

**HB 171** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 86

Noes: Barnhart, Elliott, Gervais, Harper, Kadas, Peck, Raney, Ream, Schye, Squires.

Total 10

Excused: Cobb, Herron, Schwinden.

Total 3

Absent or not voting: Mr. Speaker.

Total 1

**HB 189** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis,

DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Boharski, Raney.

Total 3

Excused: Cobb, Herron, Schwinden.

Total 3

Absent or not voting: Barnhart.

Total 1

**HB 190** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bachini, Davis, DeBruycker, McCaffree, L. Nelson, Peck, Peterson, Simon.

Total 8

Excused: Cobb, Herron, Schwinden.

Total 3

Absent or not voting: None.

Total 0

**HB 221** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson,

Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bachini, Bergsagel, Boharski, DeBruycker, Grinde, Peterson, Spring, Wagner.

Total 8

Excused: Cobb, Herron, Schwinden.

Total 3

Absent or not voting: None.

Total 0

**HB 225** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Brown, Driscoll, Menahan, Sayles, Tuss, Wyatt.

Total 7

Excused: Cobb, Herron, Schwinden.

Total 3

Absent or not voting: None.

Total 0

Representative Schwinden present at this time.

**HB 230** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson,

Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, DeBruycker.

Total 2

Excused: Cobb, Herron.

Total 2

Absent or not voting: Brooke.

Total 1

**HB 238** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Cobb, Herron.

Total 2

Absent or not voting: Smith.

Total 1

**HB 250** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring,



Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, DeBruycker, Grinde, Rehbein, Sayles.

Total 5

Excused: Cobb, Herron.

Total 2

Absent or not voting: Grimes.

Total 1

**HB 251** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Cobb, Herron.

Total 2

Absent or not voting: Molnar.

Total 1

**HB 254** failed as follows:

Ayes: Bachini, Barnhart, Bergman, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Grimes, M. Hanson, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Peck, Quilici, Ream, S. Rice, Schwinden, Schye, Simpkins, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wiseman, Wyatt.

Total 47

Noes: Anderson, Bardanouve, Barnett, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Dowell, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grinde, H.S. Hanson, Hayne, Hibbard, Kasten, Keller, Mason, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Raney,

Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Simon, Smith, Spring, Squires, Tash, Wagner, Wallin, Wanzenried, Whalen, Winslow, Zook, Mr. Speaker.

Total 50

Excused: Cobb, Herron.

Total 2

Absent or not voting: Hansen.

Total 1

Representative Herron present at this time.

**HB 297** passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 88

Noes: Anderson, Barnett, Benedict, DeBruycker, Ellis, Feland, Mason, T. Nelson, Spring, Wallin, Zook.

Total 11

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 298** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Cobb.

Total 1

Absent or not voting: Brooke.

Total 1

**HB 312** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, DeBruycker.

Total 2

Excused: Cobb.

Total 1

Absent or not voting: Brooke, Mills.

Total 2

**HJR 4** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, DeBruycker, T. Nelson, Spring, Stovall.  
Total 5

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**SB 8** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: McCaffree.  
Total 1

Excused: Cobb.  
Total 1

Absent or not voting: Galvin, Mills.  
Total 2

**SB 10** concurred in as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.  
Total 91

Noes: Bachini, Bergsagel, Peck, Rehbein, Spring, Stovall, Wyatt, Zook.  
Total 8



Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**SB 45** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Boharski, Driscoll.  
Total 3

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**SB 57** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Boharski, Gervais.  
Total 2

Excused: Cobb.  
Total 1

Absent or not voting: Bardanouve.

Total 1

**SB 83** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: J. Rice.

Total 1

Excused: Cobb.

Total 1

Absent or not voting: Simpkins.

Total 1

**SB 110** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Benedict, Boharski, DeBruycker, Dowell, Driscoll, Feland, Fisher, Grady, McCulloch, Molnar, Rehbein, Wagner.

Total 12

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**SB 126** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergman, Boharski, DeBruycker, Feland, Gervais, Peck, Russell.  
Total 7

Excused: Cobb.  
Total 1

Absent or not voting: Elliott, Simpkins.  
Total 2

**SB 127** concurred in as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 86

Noes: Anderson, Bachini, Bergsagel, DeBruycker, Feland, Gervais, Peck, Rehbein, Russell, Sayles, Spring, Stovall, Zook.  
Total 13

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**SB 43** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily,

Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Gervais, Gilbert, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, J. Johnson, R. Johnson, Kadas, Knox, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman.

Total 69

Noes: Bergsagel, Boharski, Clark, DeBruycker, Driscoll, Ewer, Feland, Grady, Grimes, Grinde, Harper, Herron, Hibbard, Kasten, Keller, Larson, Mason, Molnar, Peterson, J. Rice, Toole, Tunby, Wagner, Winslow, Wyatt, Zook, Mr. Speaker.

Total 27

Excused: Cobb.

Total 1

Absent or not voting: Galvin, Peck, S. Rice.

Total 3

## **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 187** - Representative S. Rice moved HB 187 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 91

Noes: Bergsagel, DeBruycker, Feland, Spring.

Total 4

Excused: Cobb.

Total 1



Absent or not voting: Brandewie, Keller, Ream, Mr. Speaker.

Total 4

**HB 232** - Representative Clark moved HB 232 do pass. Motion failed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Boharski, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Driscoll, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, M. Hanson, Harrington, J. Johnson, R. Johnson, Keller, Larson, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Peck, Quilici, Raney, J. Rice, S. Rice, Russell, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tash, Toole, Vogel, Wallin, Whalen, Winslow, Wyatt.

Total 49

Noes: Bachini, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Cocchiarella, Dowell, Elliott, Ellis, Feland, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Hayne, Herron, Hibbard, Kadas, Kasten, Knox, Mason, McCaffree, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Ream, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tunby, Tuss, Wagner, Wanzenried, Wiseman, Zook, Mr. Speaker.

Total 49

Excused: Cobb.

Total 1

Absent or not voting: Ryan.

Total 1

**HB 234** - Representative Toole moved HB 234 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, DeBruycker.

Total 2

Excused: Cobb.

Total 1

Absent or not voting: Grady.

Total 1

**HB 235** - Representative Toole moved HB 235 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, DeBruycker, Larson.

Total 3

Excused: Cobb.

Total 1

Absent or not voting: Clark, Harrington.

Total 2

**HB 241** - Representative Simon moved HB 241, second reading copy, be amended as follows (amendment #1):

1. Page 4, line 12.

Following: "performs"

Strike: "LOW AND MEDIUM COMPLEXITY"

2. Page 4, line 17.

Following: "performs"

Insert: "low and medium complexity"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel,

Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: Cobb.  
Total 1

Absent or not voting: Grady, Zook.  
Total 2

Representative Strizich moved HB 241, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 86

Noes: Benedict, Bergsagel, Boharski, Clark, DeBruycker, Foster, Gilbert, Grinde, Molnar, Orr, Rehbein, Wagner, Mr. Speaker.  
Total 13

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**HB 256** - Representative Toole moved HB 256 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby,

Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, DeBruycker, Orr.

Total 3

Excused: Cobb.

Total 1

Absent or not voting: Brandewie, H.S. Hanson, Spring.

Total 3

**HB 309** - Representative Kasten moved HB 309 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 96

Noes: Driscoll, Wyatt.

Total 2

Excused: Cobb.

Total 1

Absent or not voting: H.S. Hanson.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ream moved the adoption of the committee report. Report adopted. (83-6)

### MOTIONS

Representative Dolezal moved he be allowed to change his vote on HB 64, third reading, from aye to no. Motion carried.

Representative Boharski moved he be allowed to change his vote on SB 57, third reading, from no to aye. Motion carried.

Representative McCulloch moved he be allowed to change his vote on HB 64, third reading, from aye to no. Motion carried.



Representative Mills moved he be allowed to change his vote on HB 254, third reading, from aye to no. Motion carried.

Representative Raney moved he be allowed to change his vote on HB 254, third reading, from no to aye. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, February 4, 1993. Motion carried.

House adjourned at 1:56 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
February 4, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Rehbein. Pledge of Allegiance to the Flag.

Roll call. All members present except Cobb, Davis, Gervais, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the twenty-seventh legislative day, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/4/93  
Correctly printed for second reading: HB 23, HB 217, HB 223, HB 284, HB 289, HB 292, HJR 6.  
Correctly engrossed for third reading: HB 187, HB 234, HB 235, HB 241, HB 256, HB 309.  
Examined by the sponsor and found to be correct: 2/3/93  
HB 63 - Keller  
Signed by the Speaker at 9:00 a.m., 2/2/93: HB 28, HB 53, HB 77, HB 80, HB 85.  
Signed by the Speaker at 12:00 p.m., 2/4/93: HB 34, HB 56, HB 59, HB 117.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 2/3/93  
**SB 88**, third reading copy, be concurred in. Report adopted.  
**SB 97**, third reading copy, be concurred in. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 2/3/93  
**HB 201**, introduced bill, be amended as follows:

1. Page 38, line 14.  
Following: "company"  
Insert: "or the Montana small business investment capital company"

And, as amended, do pass. Report adopted.

**HB 237**, introduced bill, do pass. Report adopted.  
**HB 339**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.  
Strike: "AND PUBLIC UTILITIES"

2. Title, line 8.  
Strike: "AND"

3. Title, line 9.  
Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 2, line 1.

Page 3, line 5.

Strike: "or public utilities"

Insert: ", except a structure classified under chapter 7, section 701, group B, division 2, and chapter 9, section 901, group H, outside of process units, of the 1991 edition of the Uniform Building Code"

5. Page 3, line 21.

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 358**, introduced bill, be amended as follows:

1. Page 1, line 16.

Strike: "members"

Insert: "numbers"

And, as amended, do pass. Report adopted.

FISH AND GAME (Foster, Chairman):

2/3/93

**HB 281**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "ALCOHOL;"

Insert: "PROVIDING ENFORCEMENT EXCEPTIONS FOR CERTAIN EX OFFICIO WARDENS;"

2. Title, line 8.

Following: "REQUIREMENTS;"

Insert: "PROVIDING FOR REGISTRATION OF A SNOWMOBILE OWNED AND OPERATED SOLELY AS A COLLECTOR'S ITEM;"

3. Title, line 10.

Strike: "AND"

4. Title, line 11.

Following: "23-2-654,"

Insert: "AND 87-1-503,"

5. Page 1, line 16 through page 2 line 11.

Strike lines in their entirety

Insert: "The reporting of stolen and recovered snowmobiles must be conducted in the same manner as the reporting of stolen and recovered motor vehicles provided for in 61-3-106."

6. Page 10, line 10.

Strike: "A"

Insert: "Except for a snowmobile registered under [section 14], a"



7. Page 14, line 14.

Following: "vehicles"

Insert: ", unless travel on the street, highway, or trail has been closed to motor vehicle traffic or unless drifting snow or snow cover has rendered travel by motor vehicles impractical or impossible"

8. Page 22, line 14.

Following: line 13

Insert: "NEW SECTION. Section 14. Registration of a snowmobile owned and operated solely as a collector's item. (1) An owner of a snowmobile that is more than 25 years old and that is used solely as a collector's item and not for general recreational purposes may file with the county treasurer an application for the registration of the snowmobile. The application must be sworn to before an officer authorized to administer oaths. The application must state:

(a) the name and address of the owner;

(b) the name and address of the person from whom the snowmobile was purchased;

(c) the make, the year and number of the model, and the manufacturer's identification number and serial number of the snowmobile; and

(d) that the snowmobile is owned and operated solely as a collector's item and not for general recreational purposes.

(2) The registration fee for a snowmobile registered under subsection (1) is \$10.

(3) Upon receipt of the application for registration and payment of the registration fee, the county treasurer shall file the application, register the snowmobile in the manner specified in 23-2-616, and deliver to the applicant a license plate or decal bearing the inscription "Vintage--Montana" and the registration number.

(4) The year of issuance may not be shown on the plate or decal.

(5) Annual renewal of the registration of a snowmobile registered under this section is not required, and the registration is valid as long as the snowmobile is in existence. Upon sale of the snowmobile, the purchaser shall renew the registration and pay the license fee required in subsection (2).

Section 15. Section 87-1-503, MCA, is amended to read:

"87-1-503. Ex officio wardens. All (1) Except as provided in subsection (2), all sheriffs and their deputies, constables, all peace officers of the state or any subdivision thereof, and all state forest officers, other officers of the United States forest service or agents of the United States fish and wildlife service that are assigned to duty in this state, and field personnel of the department, as the director may appoint, are hereby made ex officio wardens, without pay, except that the department may, in its discretion, allow traveling expenses as provided for in 2-18-501 through 2-18-503, which, if allowed, must be paid upon proper vouchers from the state fish and game funds. Ex officio wardens shall have the same powers with reference to the enforcement of the fish and game laws of this state and the laws relating to parks

and outdoor recreation contained in chapters 1 and 2 of Title 23, except chapter 2, part 7, as regularly appointed wardens, and it is hereby made their duty to assist, whenever possible, in the enforcement of those laws.

(2) Officers of the United States forest service, agents of the United States fish and wildlife service, and peace officers of the bureau of land management, national park service, and corps of engineers are not authorized to enforce the provisions of [section 12]."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

2/4/93

**HB 220**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "50-16-704"

Insert: ", 50-16-705"

2. Page 1.

Following: line 15

Insert: "(2) "Designated officer" means the person whose name is on record with the department as designated by an emergency services provider as the intermediary between the provider and health care facilities for purposes of reporting an unprotected exposure to an infectious disease."

Renumber: subsequent subsections

3. Page 2, line 1.

Strike: "designated by department rule as"

4. Page 2, line 2.

Following: "exposure"

Insert: ", including the diseases of human immunodeficiency virus, hepatitis B, hepatitis C, hepatitis D, communicable pulmonary tuberculosis, meningococcal meningitis, herpes simplex virus, tetanus, and other diseases that may be designated by department rule

5. Page 2, lines 5 through 10.

Following: "means" on line 5

Insert: ":(a)"

Following: "exposure" on line 5

Strike: the remainder of line 5 through "patient" on line 10

Insert: "to infectious agents, such as bodily fluids;

(b) exposure through inhalation or percutaneous inoculation;

(c) nonbarrier-protected contact with an open wound, nonintact skin, or mucous membrane; or

(d) contact with other potentially infected materials designated by department rule"

6. Page 2, line 14.

Following: "disease"

Insert: "to disease"

7. Page 3, line 3.

Strike: "highest ranking"

Insert: "designated"

8. Page 3, lines 4 and 5.

Strike: "the exposure to the infectious disease"

Insert: "those matters required by 50-16-703(2)"

9. Page 3, line 5.

Following: "The"

Insert: "designated"

10. Page 4, line 1.

Following: "facility"

Insert: "within 24 hours"

11. Page 4, line 10.

Strike: ".\_"

12. Page 4, line 11.

Strike: "(a)"

Strike: "highest ranking"

Insert: "designated"

13. Page 4, lines 12 and 13.

Strike: ".\_or" on line 12 through remainder of line 13

Insert: "who suffered the unprotected exposure."

14. Page 4, line 15.

Strike: "may have"

Insert: "has"

15. Page 5, line 7.

Strike: "or"

Following: "physician"

Insert: "or the designated officer of an organization employing an emergency services provider"

16. Page 5, line 11.

Strike: "suspected"

Insert: "who filed the report"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):  
**HB 266**, introduced bill, do pass. Report adopted.  
**HB 317**, introduced bill, do pass. Report adopted.

2/3/93

TAXATION (Gilbert, Chairman):

2/3/93

**HB 283**, introduced bill, be amended as follows:

1. Page 3, line 7.

Following: "made"

Insert: "or any other formula or amount agreed to in a state-tribal cooperative agreement"

2. Page 3, line 17.

Following: the first "agreement"

Insert: "providing for revenue sharing of cigarette taxes with the tribe or enlisting the tribe's assistance in enforcing the provisions of this chapter"

Strike: "The"

Insert: "An"

Following: the second "agreement"

Insert: "sharing revenue of cigarette taxes with a tribe"

3. Page 4, line 9.

Following: "16-1-111."

Insert: "A tribal tax must be distributed to the tribe as determined in a negotiated formula based on population."

4. Page 8, line 8.

Following: "quota"

Insert: ", as established in a cooperative agreement between the department and an Indian tribe or as set out in this chapter, "

5. Page 9, line 2.

Strike: "populations determined"

Insert: "as provided"

6. Page 10, line 16.

Following: "quota"

Insert: ", as established in a cooperative agreement between the department and an Indian tribe or as set out in this chapter, "

7. Page 11, line 10.

Strike: "populations determined"

Insert: "as provided"

And, as amended, do pass. Report adopted.

**SB 141**, third reading copy, be concurred in. Report adopted.**SB 151**, third reading copy, be concurred in. Report adopted.

## ADVERSE COMMITTEE REPORT

**HB 199** - Representative T. Nelson moved the 1/29/93 adverse committee report on HB 199 be adopted. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Clark, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert,



Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 47

Voted Absentee: ; Cobb, Gervais, Noes.

Excused: Davis.

Total 1

Absent or not voting: None.

Total 0

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 2/3/93

**HB 8**, introduced by Gilbert

**HB 47**, introduced by Gilbert

**HB 88**, introduced by McCaffree

Senate bills passed and transmitted to the House for concurrence:

2/3/93

**SB 140**, introduced by Rea

**SB 227**, introduced by Stang

**SB 234**, introduced by Harp

**SB 131**, introduced by Waterman, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 2/3/93 to the House with the following vote: (27-23).

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 456**, introduced by Benedict, H.S. Hanson, Dolezal, Devlin (by request of the Joint Select Committee on Workers' Compensation), referred to Select Committee on Workers' Compensation

**HB 457**, introduced by Hansen, Fritz, Dowell, Harper, Brooke, McCaffree, Galvin, Harrington, Wanzenried, referred to Committee on Natural Resources

**HB 458**, introduced by Driscoll, referred to Committee on Labor and Employment Relations

**HB 459**, introduced by Boharski, Peck, referred to Committee on Education and Cultural Resources

**HB 460**, introduced by Bachini, Bergsagel, Gilbert, Brandewie, Mills, D. Brown, referred to Committee on Business and Economic Development

**HB 461**, introduced by Driscoll, referred to Committee on Business and Economic Development

**HB 462**, introduced by Driscoll, referred to Committee on Business and Economic Development

**HB 463**, introduced by Boharski, Brandewie, B. Brown, Mercer, Larson, Harp, referred to Committee on Local Government

**HB 464**, introduced by Fisher, Kennedy, Strizich (by request of the State Auditor), referred to Committee on Business and Economic Development

**HB 465**, introduced by Ryan, Franklin, T. Nelson, Barnhart, Squires, Wilson, Jacobson, Bruski-Maus, Stang, Cobb, Weldon, Driscoll, Yellowtail, Eck, Bird, Rye, Wanzenried, Schye, Ewer, Towe, Boharski (by request of the State Auditor), referred to Committee on Business and Economic Development

**HB 466**, introduced by Mills, Fagg, Brandewie, Stovall, Barnett, Endy, Bohlinger, Clark, Vogel, referred to Committee on Judiciary

**HB 467**, introduced by Fagg, Stang, Harp (by request of the Department of Revenue), referred to Committee on Taxation

**HB 468**, introduced by J. Rice, Christiaens, Waterman (by request of the Department of Corrections and Human Services), referred to Committee on Judiciary

**HB 469**, introduced by Cocchiarella, referred to Committee on Education and Cultural Resources

**HB 470**, introduced by Driscoll, referred to Select Committee on Workers' Compensation

**HB 471**, introduced by Simpkins (by request of the Governor), referred to Committee on Appropriations

**HB 472**, introduced by Wallin, Rose, Herron, Barnett, Stovall, referred to Committee on Labor and Employment Relations

**HB 473**, introduced by D. Brown, Beck, Spring, Jacobson, Jergeson, Ryan, Wanzenried, McCulloch, Cobb, Zook, McClerman, Peck, Nathe, Kadas, Swanson, Swysgood, Squires, Bianchi, Brooke, Menahan, Harrington, Tveit, Stang, Devlin, Bergman, Rye, Molnar, Cocchiarella, Driscoll, Pavlovich, Quilici, Strizich, Wilson, Rea, Daily, McCarthy, Grinde, Van Valkenburg, Raney, Gage, Waterman, Eck, Harper, Anderson, Lynch, Franklin, Fritz, Harp, Weeding, Wallin, Barnhart, Fagg, B. Brown, Davis, referred to Committee on Education and Cultural Resources

**HJR 10**, introduced by Gervais, Dowell, Wanzenried, referred to Committee on Highways and Transportation

**HJR 11**, introduced by Daily, Lynch, Quilici, Pipinich, Harper, Harrington, Pavlovich, Harp, Van Valkenburg, McCarthy, McClerman, Jacobson, D. Brown, Vogel, Driscoll, Gilbert, Beck, Fagg, Menahan, Larson, Forrester, Toole, Gage, Crippen, Swysgood, Doherty, Endy, Kennedy, Tash, Smith, referred to Committee on Natural Resources

**HJR 12**, introduced by Wallin, Gage, referred to Committee on State Administration

The following Senate bills were introduced, read first time, and referred to committee:

**SB 131**, introduced by Waterman, B. Brown, Brooke, Harper, Wallin, Mesaros, Ream, McCaffree, J. Johnson, Hansen, Larson, Fagg, Kadas, Spring, Ellis, Christiaens, Bartlett, Eck, Blaylock, Beck, Rye, Harding, Cobb, referred to Committee on State Administration

**SB 140**, introduced by Rea, Harp, Peterson, Yellowtail, Kennedy, Pipinich, Rehbein, Weldon, Burnett, Swanson, Halligan, Sayles, Bianchi, Rye, Fisher, B. Brown, Weeding, Grady, Grosfield, Mesaros, Eck, J. Rice, Beck, Devlin, Bruski-Maus, Hockett, M. Hanson, referred to Committee on Judiciary

**SB 227**, introduced by Stang (by request of the Department of Revenue), referred to Committee on Taxation

**SB 234**, introduced by Harp (by request of the Department of Revenue), referred to Committee on Taxation

### MOTIONS

Representative Clark moved the House reconsider its action on HB 232 taken on second reading the previous legislative day. Motion carried as follows: (49-46).

Representative Stovall moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative McCaffree moved the House reconsider its action on HB 254 taken on second reading the previous legislative day. Motion carried as follows: (56-38).

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Feland in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Davis present at this time.

**HB 327** - Representative McCaffree moved HB 327 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall,



Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Boharski, Brandewie, Hayne, Herron, Molnar, Peterson, Rehbein, Sayles, Spring, Wagner.  
Total 10

Voted Absentee: Gervais, Aye.

Excused: Cobb.  
Total 1

Absent or not voting: Orr, Winslow.  
Total 2

**HB 111** - Representative Simpkins moved HB 111 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel.  
Total 1

Voted Absentee: Gervais, Aye.

Excused: Cobb.  
Total 1

Absent or not voting: Grady, Harper, Raney.  
Total 3

**HB 244** - Representative Schwinden moved HB 244 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan,



Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergman, Bergsagel, Boharski, DeBruycker, Gilbert, Grinde, Kasten.  
Total 7

Voted Absentee: Gervais, Aye.

Excused: Cobb.  
Total 1

Absent or not voting: Bardanouve, Feland.  
Total 2

**HB 291** - Representative Hibbard moved HB 291 do pass. Motion carried as follows:

Ayes: Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Anderson.  
Total 1

Voted Absentee: Gervais, Aye.

Excused: Cobb.  
Total 1

Absent or not voting: Bardanouve, Schwinden.  
Total 2

**HB 337** - Representative Brown moved consideration of HB 337 be placed below SB 12 on the second reading board. Motion carried.

Representative Cobb present at this time.

**HB 294** - Representative Gilbert moved HB 294, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (46-52)

Representative Gilbert moved HB 294, second reading copy, be amended as follows (amendment #2):

1. Page 2, line 22 through page 3, line 7.

Following: "~~61-10-105(3)~~:" on line 22

Strike: remainder of page 2, line 22 through "section:" on page 3, line 7

Insert: "its maximum load per inch of tire width, excluding the steering axle, may not exceed 500 pounds, based on the table in 61-10-105(3)."

Amendment #2 passed as follows:

Ayes: Anderson, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Knox, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Wagner, Wiseman, Zook, Mr. Speaker.

Total 51

Noes: Bachini, Bardanouve, Barnett, Barnhart, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Hansen, Harper, Harrington, J. Johnson, Kadas, Keller, Larson, Mason, McCarthy, McCulloch, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schwinden, Schye, Squires, Stanford, Swanson, Toole, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt.

Total 47

Excused: Gervais.

Total 1

Absent or not voting: Strizich.

Total 1

Representative Larson moved HB 294, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 87

Noes: Bachini, Bergsagel, DeBruycker, Feland, Kasten, L. Nelson, Peterson, Rehbein, Ryan, Schye, Zook.

Total 11

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: Elliott, Grady.

Total 2

**HB 210** - Representative Peck moved HB 210, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 22.

Strike: "a"

Insert: "the"

Following: "district"

Insert: "that establishes the center"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Gervais.

Total 1

Absent or not voting: Bardanouve, Boharski, Gilbert.

Total 3

Representative Peck moved HB 210, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree,

McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Boharski, Cobb, Gervais, Harper, Russell, Toole.  
Total 6

Voted Absentee: Gervais, No.

Excused: None.  
Total 0

Absent or not voting: Driscoll, Fagg, Hansen, Smith.  
Total 4

**HB 112** - Representative Ream moved HB 112 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Boharski, Clark, DeBruycker, Ewer, Fisher, M. Hanson, Kasten.  
Total 7

Voted Absentee: Gervais, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 17** - Representative Elliott moved SB 17 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais,



Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Clark.  
Total 1

Voted Absentee: Gervais, Aye.

Excused: None.  
Total 0

Absent or not voting: J. Johnson.  
Total 1

**SB 12** - Representative Peterson moved SB 12 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Barnhart, Dowell, Driscoll, Ewer, Larson, Pavlovich, Quilici, S. Rice, Squires, Tuss.  
Total 10

Voted Absentee: Gervais, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 337** - Representative Brown moved HB 337, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 15.

Following: "be"

Strike: "turned over"

Insert: "transmitted"

2. Page 2, lines 15 through 17.

Following: "treasurer" on line 15

Strike: "and" on line 15 through "parks and" on line 17

Insert: ", who shall deposit the money in the account created under 23-2-804(3). The money collected by payment of fees under this section"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Cobb, Rehbein, Sayles.

Total 3

Excused: Gervais.

Total 1

Absent or not voting: Fagg, Grady, Hansen, Kasten, Simpkins, Smith.

Total 6

Representative Brown moved HB 337, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Cobb, Fisher, Kadas, Kasten, Molnar, Rehbein.  
Total 6

Voted Absentee: Gervais, Aye.

Excused: None.  
Total 0

Absent or not voting: Gilbert.  
Total 1

**SB 28** - Representative Dowell moved SB 28 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Clark, Molnar.  
Total 2

Voted Absentee: Gervais, Aye.

Excused: None.  
Total 0

Absent or not voting: Driscoll, Grady.  
Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Feland moved the adoption of the committee report. Report adopted. (94-3)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 181** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll,

Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Cobb, Molnar.  
Total 2

Voted Absentee: Gervais, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 247** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Boharski, DeBruycker.  
Total 2

Voted Absentee: Gervais, Aye.

Excused: None.  
Total 0

Absent or not voting: Hayne, Peck, Rose, Schye.  
Total 4

**HB 300** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb,



Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Clark, Hayne, McCaffree.

Total 4

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: Hansen, H.S. Hanson.

Total 2

**SB 36** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Cobb.

Total 1

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 90** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Cobb, DeBruycker, Gilbert.  
Total 3

Voted Absentee: Gervais, Aye.

Excused: None.  
Total 0

Absent or not voting: Bergman, Swanson.  
Total 2

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, February 5, 1993. Motion carried.

House adjourned at 2:57 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana  
February 5, 1993

House Chambers  
State Capitol

House convened at 1:10 p.m. Mr. Speaker in the Chair. Invocation by Thomas Yellowtail. Pledge of Allegiance to the Flag.

Roll call. All members present except Barnhart, Rose, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/5/93  
Correctly printed for second reading: HB 201, HB 220, HB 237, HB 266, HB 281, HB 283, HB 317, HB 339, HB 358.  
Correctly engrossed for third reading: HB 111, HB 112, HB 210, HB 244, HB 291, HB 294, HB 327, HB 337, SB 12, SB 17, SB 28.  
Correctly enrolled: HB 63.  
Signed by the Speaker at 9:00 a.m., 2/5/93: HB 63, SB 21, SB 76, SB 101, SB 114.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 2/4/93

**HB 193**, introduced bill, be amended as follows:

1. Page 8, lines 12 and 13.  
Strike: second "by" on line 12 through "produce" on line 13
2. Page 8, line 13.  
Following: "unit"  
Insert: "or equivalent poundage"
3. Page 8, line 18.  
Page 9, line 4.  
Page 9, line 22.  
Page 10, line 2.  
Strike: "\$10,000"  
Insert: "\$15,000"
4. Page 8, lines 21 and 22.  
Strike: "if" on line 21 through "paid" on line 22  
Insert: "unless the grower has paid for a produce dealer license or has made available to the produce dealer a written form provided by the department stating that the assessment fees are being paid"
5. Page 10, lines 15 through 18.  
Strike: "New" on line 15 through "license." on page 18
6. Page 10, lines 18 and 19.  
Strike: "who" on line 18 through "year" on line 19
7. Page 10, line 20.  
Following: "nonrefundable"  
Insert: "license"

And, as amended, do pass. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

2/4/93

**HB 269**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "PROVIDING"

Strike: "THAT"

Insert: "CONDITIONS UNDER WHICH"

2. Title, lines 9 and 10.

Strike: line 9 in its entirety and line 10 through "YEAR"

Insert: "FOR A MACHINE TRANSFER PROCESSING FEE"

3. Page 1, line 20.

Following: "(2)"

Insert: "(a)"

4. Page 1, line 25.

Following: "expires."

Insert: "(b)"

5. Page 2, line 2.

Following: "changes"

Insert: "during the first quarter of the permit year and the new operator has received an operator's license and if a machine transfer processing fee of \$25 per machine is paid to the department"

6. Page 2, lines 3 through 5.

Following: "year" on line 3

Strike: remainder of line 3, line 4 in its entirety through "year" on line 5

7. Page 2, line 7.

Following: "(2)"

Insert: "(a) and 100% of the machine transfer processing fee collected under subsection (2)(b)"

8. Page 2, line 8.

Following: "balance"

Insert: "of the fee collected under subsection (2)(a)"

And, as amended, do pass. Report adopted.

**HB 304**, introduced bill, do pass. Report adopted.

**HB 305**, introduced bill, be amended as follows:

1. Page 2, line 5.

Strike: "carrier"

Insert: "vehicle"

2. Page 2, line 7.

Strike: "nine"

Insert: "13"



3. Page 2, line 14.  
Strike: "automobile"  
Insert: "limousine"

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):  
2/4/93

**HB 276**, introduced bill, do pass. Report adopted.  
**SB 61**, third reading copy, be concurred in. Report adopted.  
**SB 99**, third reading copy, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):  
2/4/93

**SB 133**, third reading copy, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman):  
2/4/93

**HB 121**, introduced bill, be amended as follows:

1. Title, line 11.  
Strike: "AND"  
Following: "MCA"  
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 2.  
Following: line 22  
Insert: "(3) The provisions of 85-15-305 do not apply to dams and reservoirs at a national priority list site as defined by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), Public Law 96-510."

3. Page 4, line 13.  
Strike: "or rupture"

4. Page 4, line 16.  
Following: "and"  
Strike: "regularly"  
Insert: "properly"

5. Page 5, line 2.  
Following: "death"  
Insert: "resulting from flows of water from failure of the dam or reservoir"

6. Page 5, line 8.  
Following: "and"  
Strike: "regularly"  
Insert: "properly"

7. Page 5.  
Following: line 24  
Insert: "NEW SECTION. Section 7. Applicability. [This act] applies to causes of action accruing on or after October 1, 1993."

And, as amended, do pass. Report adopted.

**HB 258**, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "any"

Insert: "reasonable"

And, as amended, do pass. Report adopted.

**HB 272**, introduced bill, do pass. Report adopted.

**HB 307**, introduced bill, be amended as follows:

1. Page 13, lines 17 and 18.

Following: "justice may" on line 17

Strike: "1" on line 17 through "each year." on line 18

2. Page 13, line 19.

Following: "part"

Insert: "and may set and collect fees to offset the costs associated with review and approval"

And, as amended, do pass. Report adopted.

**HB 323**, introduced bill, do pass. Report adopted.

**SB 29**, third reading copy, be amended as follows:

1. Title, line 6.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND"

2. Title, line 7.

Strike: "46-18-231"

3. Page 2, line 24.

Following: "reasonable"

Insert: "medical and counseling"

Strike: "of counseling"

4. Page 3, line 2 through line 3 of page 4.

Strike: section 2 of the bill in its entirety

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman):

2/5/93

**HB 299**, introduced bill, do pass. Report adopted.

**HB 301**, introduced bill, do pass. Report adopted.

**HB 303**, introduced bill, do pass. Report adopted.

**HB 306**, introduced bill, do pass. Report adopted.

#### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

2/4/93

**HB 108**, introduced by Bergsagel  
**HB 116**, introduced by Schye  
**HB 120**, introduced by Mason

House bill concurred in as amended and returned to the House for  
concurrence in Senate amendments: 2/4/93

**HB 58**, introduced by Keller

Senate bills passed and transmitted to the House for concurrence:  
2/4/93

**SB 86**, introduced by Jergeson  
**SB 190**, introduced by Doherty

House amendments to Senate bills concurred in: 2/4/93

**SB 7**, introduced by Nathe  
**SB 34**, introduced by Eck

#### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer February 4, 1993  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 80 on February 4, 1993.

Sincerely,

MARC RACICOT  
Governor

#### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to  
committee:

**HB 474**, introduced by Peterson (by request of the Joint Appropriation  
Subcommittee on General Government and Transportation), referred to  
Committee on Appropriations  
**HB 475**, introduced by Brooke, Hansen, Jacobson, Eck, Wyatt, Strizich,  
referred to Committee on Taxation  
**HB 476**, introduced by Mills, Bohlinger, Bachini, Brandewie, Pavlovich,  
referred to Committee on Business and Economic Development  
**HB 477**, introduced by Stovall, Tash, Zook, Yellowtail, T. Nelson, M.  
Hanson, Vogel, Mills, Wallin, Brandewie, Keller, Devlin, Tunby, Gage,  
McCaffree, referred to Committee on Agriculture, Livestock, and Irrigation  
**HB 478**, introduced by Toole, Brooke, Davis, Squires, Kadas, referred to  
Committee on Highways and Transportation

**HB 479**, introduced by Larson, Daily, Tuss, Peck, Bachini, Harper, Kadas, Ryan, McCaffree, Pavlovich, Menahan, Harrington, Toole, Squires, Ream, D. Brown, referred to Committee on State Administration

**HB 480**, introduced by Harper, Bardanouve, Schwinden, referred to Committee on Appropriations

**HB 481**, introduced by Wyatt, referred to Committee on Local Government

**HB 482**, introduced by Bohlinger, Fagg, Keating, Toole, Kadas, Kasten, referred to Committee on Judiciary

**HB 483**, introduced by Toole, Fagg, referred to Committee on Judiciary

**HB 484**, introduced by Wiseman, referred to Committee on Appropriations

**HB 485**, introduced by Grady, Weldon, Hibbard, Hayne, Franklin, McClernan, Halligan, Davis, Spring, J. Rice, Ream, referred to Committee on State Administration

**HB 486**, introduced by Simon, Vogel, referred to Committee on State Administration

**HB 487**, introduced by Brandewie, Harp, Clark, Zook, Driscoll, Mercer, Benedict, Schye, Vogel, Bachini, Peck, Quilici, Pavlovich, Larson, Wanzenried, Dowell, Simpkins, Stovall, Mills, Gilbert, Molnar, referred to Select Committee on Workers' Compensation

**HB 488**, introduced by Brandewie, Harp, Wagner, Herron, Bird, Larson, Peterson, referred to Committee on Natural Resources

**HB 489**, introduced by R. Johnson, referred to Committee on Human Services and Aging

**HB 490**, introduced by Orr (by request of the Department of Transportation), referred to Committee on Taxation

**HB 491**, introduced by Simon, referred to Committee on Human Services and Aging

**HB 492**, introduced by Dowell, Hansen, Vaughn, S. Rice, Endy, Stanford, Squires, Brooke, Tuss, Harper, McCarthy, Schye, Ream, Menahan, J. Johnson, Swanson, Russell, Ryan, Wanzenried, Eck, referred to Committee on Human Services and Aging

**HB 493**, introduced by Dowell (by request of the State Auditor), referred to Committee on Business and Economic Development

**HB 494**, introduced by Dowell (by request of the Superintendent of Public Instruction), referred to Committee on Education and Cultural Resources

**HB 495**, introduced by Elliott, referred to Committee on Taxation

**HB 496**, introduced by Wyatt, Bartlett, Toole, Crippen, B. Brown, Winslow, Doherty, Wanzenried, J. Rice, Davis (by request of the Commission for Human Rights), referred to Committee on Judiciary

**HB 497**, introduced by Smith (by request of the Department of Family Services), referred to Committee on Human Services and Aging

**HB 498**, introduced by Ellis, Barnett, Hibbard, Stovall, Larson, Burnett, Brandewie, Anderson, Spring, Grosfield, Swysgood, Mesaros, Aklestad, Weeding, Bachini, M. Hanson, Knox, Rea, Keller, Rehbein, referred to Committee on Fish and Game

**HB 499**, introduced by Cobb (by request of the Supreme Court), referred to Committee on Judiciary

**HB 500**, introduced by Mercer, Bardanouve, Grinde, Jacobson, Driscoll, Peck, Zook, Grady, Swysgood, Gilbert, J. Rice, Aklestad, Harp, referred to Committee on Appropriations

**HB 501**, introduced by Mercer, Swysgood, Gilbert, Driscoll, J. Rice, Aklestad, Harp, referred to Committee on Appropriations

**HB 502**, introduced by Barnett, referred to Committee on Judiciary



**HB 503**, introduced by Ream, Grosfield, referred to Committee on Natural Resources

**HB 504**, introduced by Benedict (by request of the Joint Select Committee on Workers' Compensation), referred to Select Committee on Workers' Compensation

**HB 505**, introduced by Cocchiarella, Schye, Ryan, Squires, Driscoll, Tuss, Pavlovich, Halligan, Fritz, referred to Committee on Taxation

The following Senate bills were introduced, read first time, and referred to committee:

**SB 86**, introduced by Jergeson, Cobb, Kadas, Keating (by request of the Legislative Audit Committee), referred to Committee on Business and Economic Development

**SB 190**, introduced by Doherty, Gage, Jergeson, Aklestad, L. Nelson, Peterson, referred to Committee on State Administration

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McCarthy in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 23** - Representative Peck moved HB 23 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Toole.

Total 1

Voted Absentee: Barnhart, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 223** - Representative Grinde moved HB 223 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Barnhart, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: Kadas, J. Rice.

Total 2

**HB 289** - Representative Hibbard moved HB 289 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Benedict, R. Johnson.

Total 2

Voted Absentee: Barnhart, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: DeBruycker, H.S. Hanson.

Total 2

**HB 292** - Representative Larson moved HB 292 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski, DeBruycker, Kasten.

Total 3

Voted Absentee: Barnhart, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

**HB 232** - Representative Clark moved HB 232 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bergman, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Orr, Pavlovich, Quilici, Raney, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Tunby, Vogel, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 68

Noes: Benedict, Bergsagel, Bird, Boharski, Brown, Elliott, Feland, Fisher, Gilbert, Grady, Hansen, Herron, Kasten, McCulloch, Molnar, L. Nelson, T. Nelson, Peck, Peterson, Ream, Rehbein, Ryan, Simon, Spring, Stovall, Toole, Tuss, Wagner, Wallin, Wiseman, Zook.

Total 31

Voted Absentee: Barnhart, Rose, Ayes.

Excused: None.

Total 0

Absent or not voting: Bardanouve.

Total 1

**HB 284** - Representative Cobb moved consideration of HB 284 be passed for the day. Motion carried.

Representative Cobb excused at this time.

Representative Rose present at this time.

**HB 217** - Representative H. S. Hanson moved HB 217 do pass.

Representative Brown made a substitute motion to revert to the body of the bill for the purpose of amendment. Motion carried.

Representative Brown moved HB 217, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (49-51)

Representative Brown moved HB 217, second reading copy, be amended as follows (amendment #2):

1. Page 2, line 4.

Strike: "by October 1 of the year"

Amendment #2 passed as follows: .

Ayes: Bachini, Bardanouve, Barnhart, Bergsagel, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simpkins, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wyatt, Zook.

Total 62

Noes: Anderson, Barnett, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Kasten, Keller, Mason, Mills, Molnar, Orr, Rehbein, Rose, Sayles, Simon, Smith, Spring, Stovall, Tash, Wagner, Winslow, Wiseman.

Total 36

Voted Absentee: Barnhart, Aye.

Excused: Cobb.

Total 1



Absent or not voting: Mr. Speaker.  
Total 1

Representative Brown moved HB 217, second reading copy, be further amended as follows (amendment #3):

1. Page 2, line 7.  
Strike: "1"  
Insert: "20"

Amendment #3 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Benedict, Bergman, Feland, Fisher, Grinde, Hayne, Orr, Rehbein.  
Total 8

Voted Absentee: Barnhart, Aye.

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

Representative Brown moved HB 217, second reading copy, be further amended as follows (amendment #4):

1. Page 3, lines 8 and 9.  
Strike: "the" on line 8 through "leader" on line 9  
Insert: "three members of the majority party and two members of the minority party elected by their respective caucuses"

Amendment #4 passed as follows:

Ayes: Bardanouve, Barnhart, Bird, Boharski, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan,

Schwinden, Schye, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 66

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bohlinger, Clark, DeBruycker, Fagg, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, Mills, Orr, Peterson, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Tash, Vogel, Wiseman.

Total 33

Voted Absentee: Barnhart, Aye.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

Representative Cobb present at this time.

Representative H. S. Hanson moved HB 217, as amended, do pass.

Representative Brown made a substitute motion HB 217, as amended, do not pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Bird, Brooke, Brown, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, T. Nelson, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wyatt.

Total 57

Noes: Anderson, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Clark, Daily, DeBruycker, Ellis, Fagg, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Spring, Stovall, Tash, Vogel, Wagner, Wiseman, Zook, Mr. Speaker.

Total 43

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman McCarthy moved the adoption of the committee report. Report adopted. (74-15)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 187** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Bergsagel, Feland, Spring.  
Total 3

Excused: Barnhart.  
Total 1

Absent or not voting: Clark, DeBruycker.  
Total 2

**HB 234** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Peck.  
Total 2

Excused: Barnhart.

Total 1

Absent or not voting: Galvin.

Total 1

**HB 235** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, DeBruycker, Spring.

Total 3

Excused: Barnhart.

Total 1

Absent or not voting: None.

Total 0

**HB 241** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bergsagel, Boharski, DeBruycker, Gilbert, Grinde, Hayne, Molnar, Orr, Peck, Wagner.

Total 10

Excused: Barnhart.

Total 1



Absent or not voting: Wiseman.

Total 1

**HB 254** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Bergman, Bird, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Grimes, Hansen, M. Hanson, Harper, Harrington, Hayne, J. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wiseman, Wyatt, Zook.

Total 58

Noes: Anderson, Benedict, Bergsagel, Boharski, Bohlinger, Brandewie, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grinde, H.S. Hanson, Herron, Hibbard, R. Johnson, Kasten, Keller, Mason, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Ryan, Sayles, Simon, Spring, Stovall, Wagner, Wallin, Wanzenried, Whalen, Winslow, Mr. Speaker.

Total 40

Excused: Barnhart.

Total 1

Absent or not voting: Strizich.

Total 1

**HB 256** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, DeBruycker, Rehbein, Sayles.

Total 4

Excused: Barnhart.

Total 1

Absent or not voting: Fisher.

Total 1

HOUSE JOURNAL  
REGULAR SESSION

**MOTIONS**

Representative Grady moved HB 309 be taken from the Committee on Human Services and Aging and rereferred to the Committee on Appropriations. Motion carried.

Representative Menahan moved HB 412 be taken from the Committee on Agriculture, Livestock, and Irrigation and rereferred to the Committee on Fish and Game. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, February 6, 1993. Motion carried.

House adjourned at 3:09 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## **THIRTIETH LEGISLATIVE DAY**

Helena, Montana  
February 6, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Hansen. Pledge of Allegiance to the Flag.

Roll call. All members present except Fisher, Kadas, T. Nelson, Russell, Swanson, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Tyre M. Conrey, Polson (permanent page)  
Darcy Salisbury, Sheridan  
Brian J. Recor, Billings  
Mark S. Wohlers, Gold Creek  
Justin S. Brown, Livingston  
Kendra L. Strobel, Bozeman  
Kyle A. Cameron, Miles City  
Amber Briggs, Missoula  
Gwen Lankford, Missoula  
Mac Brown, Butte

### Honorary Pages

Abby St. Lawrence  
Erica St. Lawrence  
Nathan L. Hoppe  
Stephanie Quayle  
Leah Wallace

## **COMMUNICATIONS AND PETITIONS**

James D. Jensen  
Executive Director  
MEIC  
P.O. Box 1184  
Helena, MT 59624

February 6, 1993

Dear Mr. Jensen,

Given the action of the Senate and allegations of misconduct, it is hereby ordered that you shall be denied access to the House of Representatives including all committee rooms.

This action is taken to safeguard the members and preserve the integrity of the House of Representatives. The will of the people, as expressed through their elected representatives, must be protected from compromise or abuse.

This order is temporary, but shall remain in effect pending resolution of the charges against you by the Senate and in the interim the matter shall be referred to the House Rules Committee for further action.

Sincerely,

John A. Mercer

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/6/93  
Correctly printed for second reading: HB 121, HB 193, HB 258, HB 269,  
HB 272, HB 276, HB 299, HB 301, HB 303, HB 304, HB 305,  
HB 306, HB 307, HB 323.

Correctly engrossed for third reading: HB 23, HB 223, HB 232, HB 289,  
HB 292.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 2/5/93

**HB 308**, introduced bill, do pass. Report adopted.  
**SB 85**, third reading copy, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman): 2/5/93  
**HB 356**, introduced bill, do pass. Report adopted.  
**SB 185**, third reading copy, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 2/5/93  
**HB 377**, introduced bill, do pass. Report adopted.

TAXATION (Gilbert, Chairman): 2/5/93  
**HB 196**, introduced bill, be amended as follows:

1. Title, line 3.

Strike: "BY REQUEST OF THE DEPARTMENT OF REVENUE"

2. Title, lines 5 through 7.

Strike: "REVISING" on line 5 through "REDUCTIONS" on line 7

Insert: "CAPPING THE AMOUNT OF REIMBURSEMENT PAID TO ELIGIBLE  
TAXING JURISDICTIONS FOR TAXABLE YEARS 1993 AND  
THEREAFTER TO THE SAME AMOUNT PAID IN FISCAL YEAR  
1993, BUT ALLOWING CERTAIN ADJUSTMENTS BECAUSE OF  
DISSOLVED AND COMBINED TAXING JURISDICTIONS"

3. Page 1, line 17.

Strike: "(1)"

4. Page 2, lines 9 through 12.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

5. Page 2, line 13.

Strike: "a"

6. Page 2, lines 15 and 16.

Strike: "The" on line 15

Insert: "Prior to September 1, 1990, the department's agent in the county  
shall supply the following information to the"



Strike: "shall" on line 15 through "lost" on line 16

Strike: "within" on line 16

Insert: "for"

7. Page 2, line 17.

Following: "∴"

Insert: "∴"

8. Page 3, lines 1 and 2.

Strike: "due to the reduction in"

Insert: "(a) the number of mills levied in the jurisdiction for taxable year 1989;

(b) the number of mills levied in the jurisdiction for taxable year 1990;

(c) the total taxable valuation for taxable years 1989 and 1990, reported separately for each year, of all personal property not secured by real property; and

(d) the total taxable valuation for taxable years 1989 and 1990, reported separately for each year, of all"

Following: "property" on line 2

Insert: "secured by real property."

9. Page 3, lines 3 through 18.

Strike: lines 3 through 18 in their entirety

10. Page 3, line 25.

Following: "∴"

Insert: "After receipt of the information from its agent, the department shall calculate the amount of revenue lost to each taxing jurisdiction, using current year mill levies, due to the annual reduction in personal property tax rates set forth in 15-6-138, and any reduction in taxes based upon recalculation of the effective tax rate for property in 15-6-145."

11. Page 4, line 2.

Following: "(4)"

Insert: "(a)"

12. Page 4, line 5.

Strike: "(2)"

Insert: "(1)"

13. Page 4.

Following: line 13

Insert: "(b) For taxable year 1993 and for each taxable year thereafter, the department shall remit to the county treasurer of each county the same amount remitted to the county treasurer for the fiscal year 1993, as adjusted by the result of dissolved or combined taxing jurisdictions, as provided for in subsection (7). Fifty percent of the amount must be remitted on or before November 30 and the remaining 50% on or before May 31."

14. Page 4, line 22.

Strike: "{8}"  
Insert: "{7}"

15. Page 5, line 23.  
Strike: "{8}(b)"  
Insert: "{7}(b)"

And, as amended, do pass. Report adopted.

**HB 402**, introduced bill, do pass. Report adopted.  
**HJR 3**, introduced bill, be amended as follows:

1. Page 3, line 1.  
Strike: "\$523,400,000"  
Insert: "\$523,841,000"

2. Page 9, line 20.  
Strike: "21.083"  
Insert: "21.524"

3. Page 9, line 22.  
Strike: "\$523.400"  
Insert: "\$523.841"

4. Page 11, line 14.  
Strike: "\$924.084"  
Insert: "\$924.525"

And, as amended, do pass. Report adopted.

**SB 138**, third reading copy, be concurred in. Report adopted.

#### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 2/5/93

**HB 109**, introduced by Barnett  
**HB 163**, introduced by Herron

Senate bills passed and transmitted to the House for concurrence: 2/5/93

**SB 81**, introduced by Crippen  
**SB 149**, introduced by Rea  
**SB 198**, introduced by Weeding  
**SB 207**, introduced by Wilson  
**SB 263**, introduced by Van Valkenburg

#### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 5, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 28 and 77 on February 5, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, MT 59620

February 5, 1993

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Mercer and President Van Valkenburg:

In accordance with the power vested in me as Governor by the Constitution and Laws of the State of Montana, I hereby return House Bill No. 53, "AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS TO ESTABLISH THE OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS AS A PART-TIME OFFICE; PROVIDING THE PROCEDURE FOR ESTABLISHING THE PART-TIME OFFICE; AMENDING SECTIONS 20-3-201 AND 20-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE," with the attached amendments for the following reason.

Although the intent of House Bill No. 53 is to permit a board of county commissioners to establish the office of county superintendent as a part-time office, it does not provide for a corresponding reduction in salary. The salary for a county superintendent of schools is set by statute and currently provides only for a salary for a full-time county superintendent. Section 7-4-2503, MCA.

Representative Benedict has requested that I return the bill with an amendment that would permit a salary adjustment for a part-time county superintendent that is commensurate with the reduction in hours.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS TO  
HOUSE BILL NO. 53  
February 4, 1993

1. Title, line 7.

Following: "OFFICE;"

Insert: "AUTHORIZING THE ADJUSTMENT OF SALARY FOR A PART-TIME OFFICER;"

2. Page 3, line 9.

Following: "[section 3]"

Insert: ", and adjust the salary established in 7-4-2503 to make it commensurate with the reduction in hours"

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 506**, introduced by Tash, Swysgood, Grinde, Mason, M. Hanson, Fagg, Knox, Sayles, D. Brown, Wanzenried, referred to Committee on Judiciary

**HB 507**, introduced by Sayles, Van Valkenburg, Clark, Grinde, Stovall, Bohlinger, Gilbert, Smith, Squires, Wanzenried, Raney, Rehbein, Ellis, Schwinden, Quilici, L. Nelson, Kadas, Harper, Tash, Grimes, Bird, referred to Committee on Judiciary

**HB 508**, introduced by Fagg, T. Nelson, Christiaens, Jacobson, Nathe, Eck, Simon, McClernan, Winslow, Grimes, J. Rice, Weeding, Rea, Grosfield, Bohlinger, D. Brown, Smith, Squires, Schye, Dowell, Strizich, referred to Committee on Human Services and Aging

**HB 509**, introduced by Pavlovich, Barnett, Simon, Benedict (by request of the House Committee on Business and Economic Development), referred to Committee on Business and Economic Development

**HB 510**, introduced by Hansen, Klampe, Kadas, Cocchiarella, Brandewie, Toole, Sayles, referred to Committee on Local Government

**HB 511**, introduced by Hibbard, Harper, Bergsagel, Driscoll, Cocchiarella, Ewer, referred to Select Committee on Workers' Compensation

**HB 512**, introduced by Gilbert, Harper, referred to Committee on Natural Resources

**HB 513**, introduced by Dowell, Lynch, Bianchi, Quilici, Pavlovich, Menahan, Tveit, Harding, Brooke, Klampe, McClernan, Forrester (by request of the State Auditor), referred to Committee on Business and Economic Development

**HB 514**, introduced by Schye, Bird, L. Nelson, Menahan, McCaffree, Smith, McClernan, Schwinden, Harrington, Galvin, Jergeson, referred to Committee on Appropriations

The following Senate bills were introduced, read first time, and referred to committee:

**SB 81**, introduced by Crippen, referred to Committee on Fish and Game

**SB 149**, introduced by Rea, referred to Committee on Local Government

**SB 198**, introduced by Weeding, Harp (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**SB 207**, introduced by Wilson (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations



**SB 263**, introduced by Van Valkenburg, Benedict, referred to Committee on Business and Economic Development

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Meadors escorted the Honorable Judge Harrison into the Chamber with the Eagle Scouts - Class of 1992. Judge Harrison then had the young men introduce themselves to the members of the House.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative J. Rice moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grinde in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 201** - Representative Hibbard moved HB 201 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Fisher.

Total 1

Voted Absentee: Swanson, Aye; Fisher, No.

Excused: Kadas, T. Nelson, Russell.

Total 3

Absent or not voting: Grinde.

Total 1

**HB 220** - Representative Simon moved HB 220 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell,

Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Tuss.

Total 1

Voted Absentee: Fisher, T. Nelson, Swanson, Ayes.

Excused: Kadas, Russell.

Total 2

Absent or not voting: Grinde.

Total 1

**HB 266** - Representative Orr moved HB 266 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Driscoll, Fisher, Galvin, Gervais, L. Nelson, Peck, Squires, Stanford, Tuss.

Total 9

Voted Absentee: Swanson, Aye; Fisher, No.

Excused: Kadas, T. Nelson, Russell.

Total 3

Absent or not voting: None.

Total 0

**HB 283** - Representative Elliott moved HB 283 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Bergsagel, Brown, Cocchiarella, DeBruycker, Driscoll, Fisher, Galvin, Gervais, Harrington, Herron, Molnar, Peterson, Raney, Russell, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wagner, Whalen, Wyatt.

Total 23

Voted Absentee: Swanson, Aye; Fisher, Russell, Noes.

Excused: Kadas, T. Nelson.

Total 2

Absent or not voting: None.

Total 0

**HB 317** - Representative Gilbert moved consideration of HB 317 be passed for the day. Motion carried.

**HB 339** - Representative Driscoll moved HB 339 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: Fisher, Sayles, Wyatt.

Total 3

Voted Absentee: Swanson, Aye; Fisher, No.

Excused: Kadas, T. Nelson, Russell.

Total 3

Absent or not voting: None.

Total 0

**HB 358** - Representative Barnett moved HB 358 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, DeBruycker, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Bardanouve, Bird, Boharski, Brown, Daily, Davis, Dolezal, Elliott, Fisher, Gervais, Hansen, Herron, Larson, Peck, Peterson, Ryan, Whalen.

Total 17

Voted Absentee: Swanson, Aye; Fisher, No.

Excused: Kadas, T. Nelson, Russell.

Total 3

Absent or not voting: Simon.

Total 1

**HB 284** - Representative Cobb moved consideration of HB 284 be passed for the day. Motion carried.

**HB 140** - Representative Vogel moved HB 140 do pass.

Representative Winslow made a substitute motion to revert to the body of the bill for the purpose of amendment. Motion carried.

Representative Winslow moved HB 140, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "\$10;"

Strike: "DEPOSITING"

2. Title, lines 9 and 10.

Following: "REMAINING"

Strike: remainder of line 9 through "ACCOUNT;" on line 10

Insert: "AND"

3. Title, lines 10 and 11.

Following "AMENDING" on line 10

Strike: remainder of line 10 through first "AND" on line 11



Insert: "SECTION"

4. Title, lines 11 and 12.

Following: "MCA"

Strike: remainder of line 11 though "DATE" on line 12

5. Page 1, line 15 through page 3, line 12.

Strike: section 1 in its entirety

Renumber: subsequent sections

6. Page 3, lines 22 and 23.

Strike: subsection (3) in its entirety

7. Page 3, line 24 through page 4, line 21.

Strike: sections 3 and 4 in their entirety

Amendment #1 passed as follows:

Ayes: Anderson, Bardanouve, Bergman, Bird, Boharski, Brooke, Brown, Cobb, Daily, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Feland, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Knox, Mason, Menahan, L. Nelson, Pavlovich, Peterson, Raney, Ream, J. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Spring, Squires, Stovall, Toole, Tunby, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 53

Noes: Bachini, Barnett, Barnhart, Benedict, Bergsagel, Bohlinger, Brandewie, Clark, Davis, DeBruycker, Endy, Fagg, Galvin, Grady, M. Hanson, J. Johnson, Keller, Larson, McCaffree, McCarthy, McCulloch, Mills, Molnar, Orr, Peck, Quilici, Rehbein, S. Rice, Ryan, Schye, Stanford, Strizich, Tash, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen.

Total 39

Excused: Fisher, Kadas, T. Nelson, Russell, Swanson.

Total 5

Absent or not voting: Cocchiarella, Gervais, Smith.

Total 3

Representative Brown made a substitute motion HB 140 do not pass.

Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Feland, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Molnar, Orr, Pavlovich, Peterson, Quilici, Rehbein, Rose, Ryan, Sayles, Schwinden, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Tash, Toole, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 65

Noes: Bachini, Bardanouve, Barnhart, Bergman, Bohlinger, Clark, Cobb, Ewer, Fagg, Foster, Galvin, Grimes, Harper, Harrington, Kasten, Keller, McCaffree, Mills, L. Nelson, Peck, Raney, Ream, J. Rice, S. Rice, Schye, Simon, Strizich, Swanson, Tunby, Vogel, Winslow.

Total 31

Voted Absentee: Swanson, No.

Excused: Fisher, Kadas, T. Nelson, Russell.

Total 4

Absent or not voting: None.

Total 0

**HJR 6** - Representative Pavlovich moved HJR 6 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Kasten, Tunby.

Total 3

Voted Absentee: Swanson, Aye.

Excused: Fisher, Kadas, T. Nelson, Russell.

Total 4

Absent or not voting: None.

Total 0

**SB 80** - Representative Dowell moved SB 80 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S.

Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bergsagel, H.S. Hanson, Peck.  
Total 3

Voted Absentee: Swanson, Aye.

Excused: Fisher, Kadas, T. Nelson, Russell.  
Total 4

Absent or not voting: Simpkins.  
Total 1

**SB 98** - Representative Schwinden moved consideration of SB 98 be passed for the day. Motion carried.

**SB 135** - Representative Wiseman moved SB 135 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 83

Noes: Benedict, Bergsagel, Elliott, Ellis, Fagg, Harper, Hayne, McCaffree, McCulloch, L. Nelson, Peck, Schwinden, Wyatt.  
Total 13

Voted Absentee: Swanson, Aye.

Excused: Fisher, Kadas, T. Nelson, Russell.  
Total 4

Absent or not voting: None.  
Total 0

Representative J. Rice assumed the Chair at this time.

**SB 88** - Representative Grady moved SB 88 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Fisher, Swanson, Ayes.

Excused: Kadas, T. Nelson, Russell.

Total 3

Absent or not voting: Grinde.

Total 1

**SB 97** - Representative Grinde moved SB 97 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Cobb.

Total 2

Voted Absentee: Fisher, Aye.

Excused: Kadas, T. Nelson, Russell, Swanson.

Total 4

Absent or not voting: None.

Total 0



**SB 141** - Representative Tunby moved SB 141 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Clark, Gervais, Hayne, Herron, Mason, Molnar, Peterson, Rehbein, Smith, Wallin.  
Total 10

Voted Absentee: Fisher, Swanson, Ayes.

Excused: Kadas, T. Nelson, Russell.  
Total 3

Absent or not voting: Brandewie, Grinde.  
Total 2

Representative Grinde resumed the Chair at this time.

**SB 151** - Representative Ream moved SB 151 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 92

Noes: Bird, DeBruycker, McCulloch, Wagner, Zook.  
Total 5

Voted Absentee: Fisher, T. Nelson, Swanson, Ayes.

Excused: Kadas, Russell.

Total 2

Absent or not voting: Hibbard.

Total 1

Representative J. Rice moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grinde moved the adoption of the committee report. Report adopted. (86-6)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 111** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel.

Total 1

Voted Absentee: Fisher, Swanson, Ayes.

Excused: Kadas, T. Nelson, Russell.

Total 3

Absent or not voting: Feland, Mills, Squires, Strizich.

Total 4

**HB 112** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Boharski, DeBruycker, Ewer, Fisher, M. Hanson, Kasten, Spring.  
Total 7

Voted Absentee: Swanson, Aye; Fisher, No.

Excused: Kadas, T. Nelson, Russell.  
Total 3

Absent or not voting: Brooke, H.S. Hanson.  
Total 2

**HB 210** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Boharski, Cobb, Gervais.  
Total 3

Voted Absentee: Fisher, Swanson, Ayes.

Excused: Kadas, T. Nelson, Russell.  
Total 3

Absent or not voting: None.  
Total 0

**HB 244** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires,

Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bergman, Bergsagel, Boharski, DeBruycker, Gilbert, Kasten.  
Total 6

Voted Absentee: Fisher, Swanson, Ayes.

Excused: Kadas, T. Nelson, Russell.  
Total 3

Absent or not voting: None.  
Total 0

**HB 291** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Fisher, Swanson, Ayes.

Excused: Kadas, T. Nelson, Russell.  
Total 3

Absent or not voting: None.  
Total 0

**HB 294** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole,



Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt,  
Mr. Speaker.  
Total 76

Noes: Bergsagel, Bird, DeBruycker, Feland, Gilbert, H.S. Hanson, Herron,  
Kasten, McCaffree, Molnar, Peterson, Rehbein, Ryan, Sayles, Schwinden,  
Schye, Spring, Stovall, Wanzenried, Zook.  
Total 20

Voted Absentee: Fisher, Swanson, Ayes.

Excused: Kadas, T. Nelson, Russell.  
Total 3

Absent or not voting: Grinde.  
Total 1

**HB 327** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict,  
Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark,  
Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll,  
Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais,  
Gilbert, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron,  
Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason,  
McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr,  
Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan,  
Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall,  
Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen,  
Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Boharski, Grady, H.S. Hanson, Hayne, Peterson, Rehbein, Sayles,  
Spring, Tash, Wagner.  
Total 10

Voted Absentee: Fisher, Swanson, Ayes.

Excused: Kadas, T. Nelson, Russell.  
Total 3

Absent or not voting: None.  
Total 0

**HB 337** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict,  
Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown,  
Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll,  
Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert,  
Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington,  
Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson,  
Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr,

Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Cobb, Fisher, Kasten, Molnar, Rehbein.

Total 5

Voted Absentee: Swanson, Aye; Fisher, No.

Excused: Kadas, T. Nelson, Russell.

Total 3

Absent or not voting: Grady.

Total 1

**SB 12** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Barnhart, Cocchiarella, Ewer, S. Rice, Squires, Tuss.

Total 6

Voted Absentee: Fisher, T. Nelson, Swanson, Ayes.

Excused: Kadas, Russell.

Total 2

Absent or not voting: Herron.

Total 1

**SB 17** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten,

Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: Fisher, Swanson, Ayes.

Excused: Kadas, T. Nelson, Russell.

Total 3

Absent or not voting: Benedict, McCarthy.

Total 2

**SB 28** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Clark, Cobb, Molnar.

Total 3

Voted Absentee: Fisher, Swanson, Ayes.

Excused: Kadas, T. Nelson, Russell.

Total 3

Absent or not voting: H.S. Hanson, Vogel.

Total 2

### MOTIONS

Representative Bardanoue moved HB 284 be passed until Wednesday, the thirty-third legislative day. Motion carried.

Representative Simpkins moved SB 147 be taken from the Committee on Business and Economic Development and rereferred to the Committee on State Administration. Motion carried.

Representative Simpkins moved SB 241 be taken from the Committee on State Administration and rereferred to the Committee on Business and Economic Development. Motion carried.

Representative DeBruycker moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative Grady moved HB 376 be taken from the Committee on Education and Cultural Resources and rereferred to the Committee on Appropriations. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 11:00 a.m., Monday, February 8, 1993. Motion carried.

House adjourned at 10:48 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## **THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 8, 1993

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair.

Roll call. All members present except Bergsagel, Brown, Gervais, McCarthy, McCulloch, Raney, S. Rice, Russell, Winslow, Wyatt, excused. Quorum present.

### **SPECIAL ORDERS OF THE DAY**

Sergeant-at-Arms Meadors escorted elected officials and guests into the chamber.

Sergeant-at-Arms Meadors escorted members of the Senate into the House Chamber.

Speaker Mercer introduced President Van Valkenburg and yielded the Chair to him.

Senator Jergeson moved the body resolve itself into a joint session for the purpose of receiving the State of the Judiciary Address. Motion carried.

Reverend Thomas Banks gave the Invocation. The Pledge of Allegiance to the Flag followed.

Senator Jergeson moved President Van Valkenburg be authorized to appoint a committee of four to notify the Honorable Chief Justice and Honorable Justices of the Supreme Court of the State of Montana that the House and Senate are now in joint session and ready to receive them. Motion carried.

President Van Valkenburg appointed Senator Bartlett, Senator Grosfield, Representative Bird, and Representative J. Rice and discharged them to escort the members of the Supreme Court to the House Chamber.

The Honorable Chief Justice and Honorable Justices of the Supreme Court were escorted to the well of the House.

President Van Valkenburg introduced the Honorable Justices of the Supreme Court of the State of Montana:

The Honorable Jean A. Turnage, Chief Justice  
The Honorable Karla M. Gray, Justice  
The Honorable Fred J. Weber, Justice  
The Honorable John C. Harrison, Justice  
The Honorable R. C. McDonough, Justice  
The Honorable William E. Hunt, Sr., Justice  
The Honorable Terry Trieweiler, Justice

President Van Valkenburg introduced Chief Justice Turnage, who gave the following address:

HOUSE JOURNAL  
REGULAR SESSION

## STATE OF THE JUDICIARY ADDRESS

BY THE HONORABLE J. A. TURNAGE  
CHIEF JUSTICE, MONTANA SUPREME COURTA Report to the Joint Session  
of the 53rd Legislature  
February 8, 1993

President Van Valkenburg, Speaker Mercer, leaders of the Democratic and Republican parties of the House and Senate, members and staff of the 53rd Legislature, distinguished guests, ladies and gentlemen.

Thank you very much for this privilege to address the 53rd Legislature. I know that these are trying and difficult times in Montana and that you have much hard work ahead of you. I will be brief.

I would like to take this time to highlight some of the Judiciary's workload, its accomplishments and its concerns.

For almost two decades the caseload of the Montana Supreme Court has been extraordinarily high. 1992 was no exception. The Court received 627 appeals, wrote 356 formal Opinions, and considered numerous other informal petitions and matters affecting the Judiciary.

This continuing high level of appeals is an issue that the Legislature will undoubtedly be asked to consider during the 1995 Regular Session. The authorization for the seven-member Court expires on the first Monday of January 1997. Without action by the 1995 Legislature, the Supreme Court will revert to a five-member Court. Be assured, we will be back in two years to present our case for retaining the seven-member Court.

There were 27,943 new cases filed in Montana's District Courts in calendar year 1992. While this was an approximate 7 percent decline in total filings from the previous year, criminal cases increased slightly to 4,052 cases statewide -- continuing a trend that began nearly a decade ago. Overall, the District Court caseload has remained at a high level for the past decade, and much of that caseload has become more complex. At the end of calendar year 1992, there were more than 37,000 cases pending in our District Court system. That's an average of 1,000 cases pending before each District Court Judge in the state.

In Montana's Courts of Limited Jurisdiction -- Justice of the Peace, City and Municipal Courts -- approximately 300,000 cases were filed in 1992. These courts are what I call the "people's courts," and they were very busy. These courts collected almost \$12 million of revenue -- most of which is retained by local governments.

In the past two years, since I last addressed this assembly, the Judiciary has accomplished many goals that we set for judicial improvements this biennium. I would like to share just a few highlights with you today.

For many years there was a considerable lag -- up to six or seven years -- between the time Supreme Court Opinions were handed down and their publication in the official Montana Reports. In the last two years, with the cooperation of Shauna Thomas of State Reporter Publishing, we have caught up with the severe backlog in the publication of the Court's Opinions. We are now completely up-to-date. With the soon-to-be-published Volume 254 of the Montana Reports, Supreme Court decisions will be current through October 1992. This makes Montana Reports an economical and useful research tool again.

We are also pleased to announce that, for the first time ever, Montana Supreme Court Opinions are available to the public on the state's electronic bulletin board. Any citizen with a personal computer can now dial-up the bulletin board and have access to recent Court Opinions immediately. The 1991 Legislature's support of a public bulletin board made it possible for the Court to provide this service to the public at no additional cost!

Both the District Court Judges and the Clerks of the District Courts have been very busy in the past two years on important judicial improvement projects.

Over the past two years, District Court Judges from around the state created a District Court Judges' Benchbook. The Benchbook will be available to current and new District Court Judges as a guide for procedures in District Court. This project, headed by District Court Judge Thomas Olson from Bozeman, offers an inexpensive but effective way to encourage uniformity and consistency of practices and procedures in District Courts throughout the state.

Clerks of the District Courts throughout the state have worked very hard to establish a solid educational program aimed at increasing the efficiency and professionalism of their offices. Nearly 80 hours of high quality educational programs were presented to clerks and their deputies over the past three years as part of the Clerks' Association program of improving the operation of District Court Clerks' offices.

This kind of training is a vital aspect of keeping our judicial personnel -- judges, clerks, and other staff -- up-to-date and informed about changes in the law and potential improvements that can be made in judicial administration.

Finally, in the area of accomplishments, I would like to mention two upcoming projects that should be of interest to each of you.

First, and for the first time, the Fall Conference of Supreme Court Justices and District Court Judges will participate with youth probation officers in a statewide conference entitled "Courts, Children and the Family." This conference is an important step in enhancing necessary communications between judges, youth probation officers, and other officials in Montana on issues relating to children and families. I look forward to the promises such a conference can offer in opening important lines of communications.



Second, the Supreme Court and the State Bar of Montana have agreed to an in-depth examination of the lawyer discipline system in Montana. The Supreme Court takes its disciplinary responsibilities very seriously. In the last two years, the Supreme Court and its Commission on Practice has disciplined 77 lawyers, including the disbarment of two attorneys.

The upcoming study, funded entirely by the private resources of the State Bar, will undoubtedly constitute the most thorough review of the lawyer discipline system in Montana history. The Court looks forward to receiving the comments and recommendations of this study commission and will share the results with the public and the Legislature.

During the legislative process, occasionally a judge may wish to comment on a particular legislative matter or a legislator may contact an individual judge concerning a pending legislative matter. Although no judge should express how he or she would individually vote if any related question came before the court, it should be noted that Canon 23 of the Canons of Judicial Ethics provides that a judge has exceptional opportunity to observe the operation of statutes and may contribute to the public interest by advising the Legislature from time to time on issues of judicial administration.

I trust you will all agree that the following comments are meant to be of assistance in your deliberations.

Although seldom voiced, I believe, from my personal viewpoint, that the fundamental foundation of Montana's government is stated in the very first substantive section of the Constitution of the State of Montana, Article II, Section 1, Popular Sovereignty:

"All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole."

This constitutional mandate that government originates with and is founded upon the will of the people is further to be noted in the very first sections of the Montana Code:

"1-1-101. "Law" is a solemn expression of the will of the supreme power of the state."

and

"1-1-102. The will of the supreme power is expressed by:  
(1) the constitution; (2) statutes."

When you, as Senators and Representatives, deliberate and legislate in the House and Senate chambers, in reality it is the people who are seated there -- represented by you as the agents of the people.

The clearest expression of the doctrine of separation of powers between the legislative and judicial branches of government is found in Section 1-1-108:



"In this state there is no common law in any case where the law is declared by statute. But where not so declared, if the same is applicable and of a general nature and not in conflict with the statutes, the common law shall be the law and rule of decision."

It is my belief that you, as representatives of the people, set the public policy of Montana through the statutes, and the role of the Judiciary is to exercise its common law powers in conformity with the constitutional mandate and statutes noted.

On another matter of concern, I bring to your attention that the State Bar has worked diligently during the past two years on a proposal to study the organization and funding of the Montana Judiciary. I hope we can all agree that such a study would be an appropriate starting place to understanding the strengths and weaknesses of our current judicial system, as well as the necessary instrument for shaping a public policy consensus on what the court system should look like in the future. I commend the idea of a study to the Legislature and pledge our best efforts to facilitate an effective analysis.

It will surprise no one, I suppose, that the Judiciary is still vitally interested in the issue of judicial salary increases! With your help and courage, we have made progress over the past two legislative sessions in beginning to compensate judges adequately. We must maintain that progress. The judicial salary issue is one that is critical to the judicial system. In that system, the judge is the key ingredient to the fair and impartial administration of justice. Judges are entrusted with enormous discretion and an equal amount of responsibility. For the system to work -- and work without unnecessary delay -- we must recruit and retain the best and brightest lawyers to the bench. We ask for your continued help.

We will also ask for your continued help this session in our efforts to improve judicial administration through statewide automation in District Courts and Courts of Limited Jurisdiction. We believe that we have made great strides in the past two years. Personnel of the Court Administrator's office have assisted judges and clerks of court in 33 counties in automation projects. We have made a good beginning, but we absolutely need your help to keep going. Our proposal this session -- carried by Representative Bardanoue -- will continue a cost-effective effort to help your local courts in this endeavor.

On the issue of the current judicial budget proposals, as you can imagine, we are very concerned.

The two special sessions of the Legislature in 1992 significantly reduced general funding of the Judiciary. Budget reductions forced the Court to reduce expenditures in many areas. We have eliminated a statewide case tracking system for District Courts; reduced the number of volumes of Montana Reports purchased; reduced the rates we pay investigators for various Court commissions; reduced the number of bar examinations offered in Montana to a single examination each year; reduced travel both in-state and out-of-state; canceled and consolidated subscriptions; reduced

expenditures for equipment to a bare minimum; and forced vacancy savings even on critical positions. The Court has also been keenly aware of the need to make sure that certain functions -- such as the bar examination process -- pay for themselves and not be a drain on the state general fund.

In addition to direct budget cuts, we have sustained the transfer of approximately \$500,000 of expenses from the state to District Court budgets for mental evaluations previously done at Warm Springs State Hospital.

We have done our share.

In preparing for this session, the Court directed the office of the Court Administrator to reexamine the August 1992 budget proposal and offer any additional cost savings that were reasonably possible. I believe that we have provided the General Government and Transportation Subcommittee with a number of realistic and helpful proposals.

I fear that some may think that the justice system is nothing more than another special interest group vying for a piece of the ever-dwindling pie. Their solution would be to try and satisfy everyone; if that cannot be done, to make as few people unhappy as possible; and, if that cannot be done, to make everyone unhappy and blame the uncontrollable circumstances.

Montana courts, however, are not a special interest, nor is the Judiciary just another government agency. Instead, as stated in Article III, Section 1, "Separation of Powers," of the Montana Constitution:

"The power of the government of this state is divided into three distinct branches -- legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, . . . ."

The "separation of powers" doctrine in our federal and state constitutions, which depends upon the independence and support of the courts for its vitality, is nothing less than the source of our nation's and state's strength.

To those injured on the job or by a defective product, to victims of negligence, to those evicted unfairly, to defenders of our waterways against chemical dumping, to small businesses fending off monopolistic practices, to people with a grievance against their government, to abandoned children who need adoption, to farmers, ranchers and shop owners fighting to keep their farms, ranches and shops operating in a recession, to those discriminated against on the basis of race, age, sex, religion, or disability, our civil courts represent the fulfillment of the basic need for fairness and justice.

Freedom of all depends upon the rule of law. The rule of law depends upon due process. Due process is not a theoretical concept; it is a commitment to action by the government. As Judge Learned Hand remarked: "If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice."

Recent budgetary actions have hampered and diminished the court system in Montana. Further reduced funding would indeed invite a rationing of justice. We all must protect the constitutional mandates that courts of justice in Montana be open to every person and due process of law be denied no person.

On behalf of the Montana Judiciary, I thank the legislative leadership on both sides of the aisle and each member of the Legislative Assembly for their support and willingness to listen to our accomplishments and concerns. I hope that each of you will attend the Legislative Reception, hosted by the Montana Judges' Association and the State Bar of Montana, this coming Thursday evening, February 11, from 6 to 8 p.m. in the Justice Building.

You have a tough session ahead of you. I wish you well in setting the state's course for the next two years!

Thank you.

The members of the Supreme Court were escorted from the House Chamber by the escort committee.

Sergeants-at-Arms Meadors and Regan escorted the distinguished guests from the House Chamber.

Senator Jergeson moved the joint session of the 53rd Legislature be adjourned. Motion carried.

Members of the Senate retired from the House Chamber.

House resumed, Speaker Mercer in the Chair.

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 11:42 a.m.

House reconvened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Grimes. Pledge of Allegiance to the Flag.

Roll call. All members present except Driscoll, Harper, Raney, Russell, excused. Quorum present.

#### **REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 2/8/93  
Correctly printed for second reading: HB 196, HB 308, HB 356, HB 377,  
HB 402.

Correctly engrossed for third reading: HB 201, HB 220, HB 266, HB 283,  
HB 339, HB 358, HJR 6, SB 80, SB 88, SB 97, SB 135, SB 141,  
SB 151.

Examined by the sponsor and found to be correct:  
HB 8 - Gilbert



HB 47 - Gilbert

HB 88 - McCaffree

Delivered to the Governor for his approval at 10:00 a.m., 2/5/93: HB 85.

Delivered to the Governor for his approval at 10:00 a.m., 2/8/93: HB 34,

HB 56, HB 59, HB 63, HB 117.

## BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

2/5/93

**HB 279**, introduced bill, be amended as follows:

1. Page 8, line 23.

Strike: "An"

Insert: "(a) Except as provided in subsection (8)(b), an"

2. Page 9, line 1.

Following: "term"

Insert: "and except for a commission percentage that may be negotiated as provided in subsection (8)(b)"

3. Page 9, line 5.

Following: line 4

Insert: "(b) If at least 90 days prior to the expiration of a 10-year agency franchise agreement, the department determines that an adjustment of the commission percentage paid to the agent is in the best interests of the state, the department shall notify the agent of that determination.

(c) If the agent does not concur with the department's commission percentage adjustment, the department shall advertise for bids for the agency franchise at the adjusted commission percentage, subject to the provisions of this chapter. If bids from persons who meet the criteria provided in this chapter are received by the department for the agency franchise at the adjusted commission percentage, the agent under the existing franchise agreement has a preference right to renew the franchise agreement by concurring in the adjusted commission percentage.

(d) If the agent under the existing franchise agreement declines to exercise the preference right under subsection (8)(c), the department shall enter into an agency franchise agreement as provided in this chapter with a person who accepted the adjusted commission percentage.

(e) If the agent exercises the preference right and believes the adjusted commission percentage to be inadequate or not in the best interests of the state, the agent may request an administrative hearing. The request must contain a statement of reasons why the agent believes the commission percentage to be inadequate or not in the state's best interests. The department shall grant the request for a hearing if it determines that the statement indicates evidence that the adjusted commission percentage is inadequate or not in the state's best interests. The department may, after the hearing, adjust the commission percentage if the agent shows that the commission percentage is inadequate or not in the best interests of the state. If the department increases the commission percentage rate, the department shall set forth its findings and



conclusions in writing and inform the agent and the other persons who offered to enter into an agency agreement at the adjusted commission rate."

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

2/8/93

**HB 202**, introduced bill, be amended as follows:

1. Page 1, line 24 through page 2, line 2.

Strike: line 24 through page 2, line 2 in their entirety

Renumber: subsequent subsections

2. Page 4, line 3.

Following: line 2

Insert: "(13) "School attendance center" means a location, identified by a school district, where students are provided an instructional program under the administration of a school or school district. A school attendance center must be located within the boundaries of the school district that establishes the center."

Renumber: subsequent subsections

3. Page 17, line 11.

Strike: "and purchase or otherwise acquire"

4. Page 27, line 11.

Following: "between the"

Insert: "school"

5. Page 27, line 14.

Strike: "has"

Insert: "anticipates"

6. Page 27, line 20.

Strike: "The"

Insert: "No later than May 10 of each year, the"

7. Page 27, line 25.

Following: "~~(#)~~ the"

Strike: "current"

Insert: "ensuing year's certified"

8. Page 28, lines 1 through 3.

Strike: line 1 through "levels" on line 3

9. Page 28, line 6.

Strike: "(iii)"

Insert: "(ii)"

10. Page 28, line 8.

Following: "(b)"

Insert: "An elementary school district that has an enrollment increase in the current year that results in an adjusted ANB of at least 14 but less than 18 pupils and is approved under the provisions of 20-9-166 may submit the application provided for under subsection (1)(a) during the current school year. (c)"

11. Page 28, line 10.

Strike: "anticipated or current"

Insert: "actual or adjusted"

12. Page 28, lines 12 through 15.

Following: "of"

Strike: remainder of line 12 through "year" on line 15

13. Page 29, lines 16 through 23.

Following: "account" on line 16

Strike: remainder of line 16 through "(b)" on line 23

Insert: "."

14. Page 32, lines 2 through 9.

Following: "account" on line 2

Strike: remainder of line 2 through "(b)" on line 10

Insert: "."

15. Page 33, line 18.

Strike: "Out-of-county"

Insert: "County"

16. Page 33, line 25.

Following: "(2)"

Insert: "(1)"

17. Page 34, lines 6 and 7.

Following: "tuition" on line 6

Strike: remainder of line 6 through "responsible" on line 7

18. Page 34.

Following: line 7

Insert: "(2) Prior to remittance of funds to the state treasurer under the provisions of 15-1-504 and 20-9-212, the county superintendent shall direct the county treasurer to deduct from the revenue available in the basic special county tax for elementary schools account the amount required for the month to pay the county's obligation for elementary out-of-state tuition."

And, as amended, do pass. Report adopted.

**HB 324**, introduced bill, be amended as follows:

1. Title, line 7.

Following: line 6

Strike: "OF REGENTS AND THE BOARD"

2. Title, line 9.

Strike: "BOARDS"

Insert: "BOARD"

3. Page 1, line 25.

Following: "full"

Insert: "full"

4. Page 3, line 1.

Strike: "(4) A board created under this section"

Insert: "(c) The board"

5. Page 3, line 10.

Page 3, line 14.

Strike: "educational boards"

Insert: "the board of public education"

6. Page 3, line 11.

Page 3, line 15.

Strike: "the expenditure"

Insert: "expenditures"

7. Page 3, line 11.

Page 3, line 16.

Strike: "the"

8. Page 3, line 12.

Page 3, line 16.

Strike: "boards"

Insert: "board"

And, as amended, do pass. Report adopted.

**HB 403**, introduced bill, do pass. Report adopted.

**HB 410**, introduced bill, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

2/8/93

**HB 145**, introduced bill, be amended as follows:

1. Title, lines 4 through 18.

Following: "AN ACT"

Strike: the remainder of line 4 through "DATE" on line 18

Insert: "RELATING TO HEALTH AND HEALTH SERVICES; CREATING A HEALTH CARE FUND; DIRECTING THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO IMPLEMENT EXPANDED FUNDING FOR MEDICAID REIMBURSEMENT FOR MEDICAL SERVICES TO CERTAIN CHILDREN AND WOMEN, USING THE MONEY IN THE FUND; DIRECTING THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO SEEK A FEDERAL WAIVER; PROVIDING AN APPROPRIATION FOR A HEALTH CARE AUTHORITY; AMENDING SECTION 53-6-131, MCA; AND PROVIDING EFFECTIVE DATES"

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2. Page 2, line 20 through page 4, line 2.

Strike: page 1, line 20 through page 4, line 2 in its entirety

Insert: "WHEREAS, the Legislature recognizes the importance of access to health care services in all areas and to all residents of the state; and

WHEREAS, lack of a source of funding is a primary obstacle to providing health care coverage and access to services; and

WHEREAS, health care coverage is currently unavailable to certain children and pregnant women residing in the state; and

WHEREAS, there are over 50,000 Montana children who are not covered by any health insurance program.

STATEMENT OF INTENT

A statement of intent is required for this bill because 53-6-131 requires the department of social and rehabilitation services to adopt rules establishing fees for enrollment of families in an expanded medicaid program if allowed by federal regulation. The legislature intends that the fees set by the department be sliding monthly fees of at least \$10 per child, to a maximum of \$360 per family per year."

3. Page 4, line 5 through page 22, line 21.

Strike: everything following the enacting clause

Insert: "**NEW SECTION.** Section 1. Health care fund. There is a health care fund within the state special revenue fund. The purpose of the fund is to provide a continuing source of revenue for health care services and related activities for residents of Montana.

Section 2. Section 53-6-131, MCA, is amended to read:

"53-6-131. Eligibility requirements. (1) Medical assistance under the Montana medicaid program may, in the discretion of the department of social and rehabilitation services, be granted to a person who is determined by the department ~~of social and rehabilitation services~~ to be eligible as follows:

(a) The person receives or is considered to be receiving supplemental security income benefits under Title XVI of the federal Social Security Act (42 U.S.C. 1381, et seq.) or aid to families with dependent children under Title IV of the federal Social Security Act (42 U.S.C. 601, et seq.).

(b) The person would be eligible for assistance under a program described in subsection (1)(a) if ~~he~~ the person were to apply for ~~such~~ assistance.

(c) The person is in a medical facility that is a medicaid provider and, but for residence in the facility, ~~he~~ would be receiving assistance under one of the programs in subsection (1)(a).

(d) The person is under 19 years of age and meets the conditions of eligibility in the state plan for aid to families with dependent children, other than with respect to school attendance.

(e) The person is under 21 years of age and in foster care under the supervision of the state or was in foster care under the



supervision of the state and has been adopted as a hard-to-place child.

(f) The person meets the nonfinancial criteria of the categories in subsections (1)(a) through (1)(e) and:

(i) the person's income does not exceed the medically needy income level specified for federally aided categories of assistance and ~~his~~ the person's resources are within the resource standards of the federal supplemental security income program; or

(ii) the person, while having income greater than the medically needy income level specified for federally aided categories of assistance, has an adjusted income level, after incurring medical expenses, that does not exceed the medically needy income level specified for federally aided categories of assistance and ~~his~~ the person's resources are within the resource standards of the federal supplemental security income program.

(g) The person is a qualified pregnant woman ~~or child~~ as defined in 42 U.S.C. 1396d(n).

(h) The person is a qualified child, as defined in 42 U.S.C. 1396d(n), and is under 18 years of age or is older than 18 years of age if required by federal law. The department may in its discretion expand the deductions allowed from the income of the qualified child's family beyond the deductions allowed for aid to families with dependent children, as provided in 42 U.S.C. 1396a(r).

(2) The Montana medicaid program shall pay for the premiums necessary for participation in the medicare program and may, within the discretion of the department, pay all or a portion of the medicare deductibles and coinsurance for a medicare-eligible person or for a qualified disabled and working individual, as defined in section 6408(d)(2) of the federal Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, who:

(a) has income that does not exceed income standards as may be required by the federal Social Security Act; and

(b) has resources that do not exceed standards the department determines reasonable for purposes of the program.

(3) The department may pay a medicaid-eligible person's expenses for premiums, coinsurance, and similar costs for health insurance or other available health coverage, as provided in 42 U.S.C. 1396b(a)(1).

(4) The department, under the Montana medicaid program, may provide, if a waiver is not available from the federal government, medicaid and other assistance mandated by Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.), as may be amended, and not specifically listed in this part to categories of persons that may be designated by the act for receipt of assistance.

(5) Notwithstanding any other provision of this chapter, medical assistance must be provided to infants, newborn through 1 year of age, and to pregnant women whose family income does not exceed ~~133%~~ 150% of the federal poverty threshold, as provided in 42 U.S.C. 1396a(a)(10)(A)(ii)(IX) and 42 U.S.C. 1396a(l)(2)(A)(i).

(6) A person described in subsection (5) must be provided continuous eligibility for medical assistance, as authorized in 42 U.S.C. 1396a(e)(5) through a(e)(7).

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(7) Notwithstanding any other provision of this chapter, medical assistance must be provided to a child 1 year of age through the month of the child's sixth birthday, whose family income does not exceed 133% of the federal poverty threshold, as provided in 42 U.S.C. 1396a(a)(10)(A)(i)(VI).

(8) The department may require payment of a monthly premium as a prerequisite for services offered under subsection (1)(h) or (7). The premium must be established by department rule and take into consideration the income of the family to whom the payment is charged. Premium payments collected by the department must be deposited in the health care fund created by [section 1]."

NEW SECTION. Section 3. Federal waiver -- purpose. (1) The department of social and rehabilitation services shall request a waiver from the U.S. secretary of health and human services, pursuant to 42 U.S.C. 1396n(b), for the purpose of establishing a pilot program to encourage recipients of medicaid to reduce the cost and utilization of medical services under the Montana medicaid program.

(2) The program established under subsection (1) must provide a bonus payment of not more than \$100 to a recipient if the recipient's use of medical services, not including preventative health services, during the fiscal year costs less than 50% of the average annual cost of medicaid per recipient, based on family size, as determined by the department.

NEW SECTION. Section 4. Appropriations. (1) If \_\_Bill No.\_\_ [LC 144] is passed and approved creating a health care authority and regional health planning boards, then the following amounts are appropriated to the authority for the purposes of the administration of the authority and the provision of grants to regional health planning boards for wellness programs, preventive care, insurance payments, and coordination of health care services by the regional boards during the period of July 1, 1993, through June 30, 1995:

Fiscal Year 1994

(July 1, 1993 -- June 30, 1994)

General fund	\$1,250,000
Federal funds	250,000
Total	\$1,500,000

Fiscal Year 1995

(July 1, 1994 -- June 30, 1995)

General fund	\$1,250,000
Federal funds	250,000
Total	\$1,500,000

(2) If \_\_Bill No.\_\_ [LC 144] is passed and approved creating a health care authority and if the authority determines to require

the implementation of a single clearinghouse or single-form health care claims billing system, then the following amounts are appropriated to the department of social and rehabilitation services to support the change to that billing system during the period of July 1, 1993, through June 30, 1995:

Fiscal Year 1994

(July 1, 1993 -- June 30, 1994)

General fund	\$ 50,000
Federal funds	150,000
Total	\$200,000

Fiscal Year 1995

(July 1, 1994 -- June 30, 1995)

General fund	\$ 0
Federal funds	0
Total	\$ 0

(3) If \_\_Bill No.\_\_ [LC 144] is passed and approved creating a health care authority, then the following amounts are appropriated to the authority for the purposes of a healthy start pilot program during the period of July 1, 1993, through June 30, 1995:

Fiscal Year 1994

(July 1, 1993 -- June 30, 1994)

General fund	\$300,000
Federal funds	0
Total	\$300,000

Fiscal Year 1995

(July 1, 1994 -- June 30, 1995)

General fund	\$ 0
Federal funds	0
Total	\$ 0

NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 17, chapter 2, and the provisions of Title 17, chapter 2, apply to [section 1].

NEW SECTION. Section 6. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 7. Effective dates. (1) [Sections 1, 3, 5, 6, and this section] are effective on passage and approval.

- (2) [Section 4] is effective July 1, 1993.
- (3) [Section 2] is effective January 1, 1994."

And, as amended, do pass. Report adopted.

JUDICIARY (Fagg, Chairman):

2/5/93

**HB 255**, introduced bill, be amended as follows:

- 1. Page 4, line 21.

Following: "~~judicial~~"

Insert: "court that ordered the commitment unless that court transfers jurisdiction to the"

And, as amended, do pass. Report adopted.

**HB 340**, introduced bill, be amended as follows:

- 1. Page 4, line 10.

Strike: "45-5-624"

Insert: "45-5-623"

- 2. Page 4, lines 16, 19, and 22.

Strike: "The"

Insert: "the"

- 3. Page 4, line 17.

Following: "evidence"

Insert: "that an ordinary and prudent person would accept"

- 4. Page 4, line 18.

Strike: "."

Insert: ";

- 5. Page 4, line 21.

Strike: ":"

Insert: " ; and"

- 6. Page 4, line 22.

Following: "and in"

Insert: "reasonable"

And, as amended, do pass. Report adopted.

**HB 409**, introduced bill, do pass. Report adopted.

**SB 129**, third reading copy, be amended as follows:

- 1. Title, line 6.

Following: "REGULATIONS;"

Insert: "AND"

- 2. Title, lines 7 and 8.

Strike: " ; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"



3. Page 2, lines 2 and 3.

Strike: "resumes motion or the driver has signaled traffic to proceed"

Insert: "ceases operation of its visual flashing red signal"

4. Page 3, line 11.

Following: "school"

Insert: "or for school functions"

5. Page 4, lines 3 and 4.

Strike: section 2 of the bill in its entirety

And, as amended, be concurred in. Report adopted.

**SB 146**, third reading copy, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/8/93

**HB 288**, introduced bill, be amended as follows:

1. Title, line 9.

Following: "REPORTS"

Insert: ",IF ANY ARE MADE"

2. Title, lines 9 and 10.

Following: ";" on line 9

Strike: "PROVIDING FOR AN IDLE WELL FEE IN LIEU OF A BOND;"

3. Page 3, line 4.

Following: "or"

Insert: "or"

4. Page 3, lines 6 and 7.

Following: line 5

Strike: "(iii) as provided under rules adopted by the board, an annual idle well fee in lieu of a bond has been paid; or"

And, as amended, do pass. Report adopted.

**HB 393**, introduced bill, be amended as follows:

1. Page 3, line 2.

Following: "for"

Strike: "timber stand"

Insert: "forest"

And, as amended, do pass. Report adopted.

#### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/6/93

**SB 168**, introduced by Beck

**SB 184**, introduced by Blaylock

**SB 211**, introduced by Yellowtail

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 515**, introduced by Russell, Schye, Squires, Strizich, referred to Committee on Appropriations

**HB 516**, introduced by DeBruycker, Devlin, Koehnke, Beck, Mason, Hibbard, Halligan, Rea, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 517**, introduced by Harper, Cocchiarella, Beck, Cobb, Hibbard, Driscoll, Fritz, Halligan, Swysgood, Rye, Winslow, McCarthy, Squires, Dowell, J. Rice, Grady, Waterman, Tuss, Brooke, McCulloch, Mercer, Grimes, Lynch, Schye, Fagg, Smith, Wanzenried, Jacobson, Brandewie, Bartlett, Menahan, Quilici, Barnhart, Ream, Hansen, Toole, referred to Committee on State Administration

**HB 518**, introduced by Whalen, J. Rice, Toole, Fagg, referred to Committee on Judiciary

**HB 519**, introduced by Barnhart, Halligan, Swanson, Ryan, Eck, Ream, Harper, referred to Committee on Taxation

**HB 520**, introduced by Raney, Blaylock, referred to Committee on State Administration

**HB 521**, introduced by Davis, referred to Committee on Human Services and Aging

**HB 522**, introduced by Squires, Lynch, Cocchiarella, Harper, Pipinich, McClernan, Strizich, Davis, Daily, Bianchi, Menahan, Beck, Ewer, Christiaens, Bartlett, Galvin, Driscoll, Clark, Kennedy, Halligan, Blaylock, Towe, Ryan, Larson, Harrington, McCarthy, Barnhart, D. Brown, Vaughn, Whalen, Bird, Schwinden, Ream, Dolezal, Wyatt, Brooke, Kadas, Pavlovich, Jergeson, Sayles, Wanzenried, Quilici, J. Rice, Grady, Hibbard, Wilson, Brandewie, Simon, Stovall, referred to Committee on Labor and Employment Relations

**HB 523**, introduced by Knox, Ellis, Simpkins, Grinde, Hansen, Larson, Harper, Raney, Hibbard, Zook, Mills, Hertel, Swysgood, Gage, J. Rice, Pavlovich, Wanzenried, referred to Committee on Taxation

**HB 524**, introduced by D. Brown, Strizich, referred to Committee on Appropriations

**HB 525**, introduced by J. Rice, Doherty, referred to Committee on Judiciary

**HB 526**, introduced by Brandewie, B. Brown, Vogel, Quilici, Lynch, Driscoll, Tunby, Benedict, Hibbard, Gilbert, Jacobson, Mercer, Blaylock, Kennedy, Beck, Clark, Stovall, Zook, referred to Committee on Labor and Employment Relations

**HB 527**, introduced by D. Brown, referred to Committee on Education and Cultural Resources

**HB 528**, introduced by Tuss, Strizich, S. Rice, Wyatt, Ryan, Dolezal, Stanford, referred to Committee on Local Government

**HB 529**, introduced by Strizich, D. Brown, Clark, Vogel (by request of the Department of Justice), referred to Committee on Appropriations

**HB 530**, introduced by Spring, Rose, referred to Committee on Highways and Transportation

**HB 531**, introduced by Strizich, Yellowtail (by request of the Gaming Advisory Council), referred to Committee on Appropriations

**HB 532**, introduced by Tunby, Bruski-Maus, referred to Committee on Natural Resources

**HB 533**, introduced by Davis, referred to Committee on Highways and Transportation

**HJR 13**, introduced by Barnhart, Molnar, Klampe, referred to Committee on State Administration

The following Senate bills were introduced, read first time, and referred to committee:

**SB 168**, introduced by Beck, M. Hanson, Grinde, Keller, Grady, Hibbard, DeBruycker, Harp, Crippen, Mesaros, Lynch (by request of the Department of Revenue), referred to Committee on Taxation

**SB 184**, introduced by Blaylock, Benedict, Keating (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations

**SB 211**, introduced by Yellowtail, Weeding, referred to Committee on Education and Cultural Resources

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 193** - Representative Tuss moved HB 193 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Benedict, Fisher, Kasten, Pavlovich, Peck.  
Total 5

Excused: Driscoll, Harper, Raney, Russell.  
Total 4

Absent or not voting: Grady, Herron, Wagner, Whalen.  
Total 4

Representative Driscoll present at this time.

**HB 258** - Representative Toole moved HB 258 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grimes, H.S. Hanson, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Peck, Quilici, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Strizich, Swanson, Tash, Toole, Vogel, Wanzenried, Whalen, Wiseman, Wyatt, Mr. Speaker.

Total 62

Noes: Anderson, Barnett, Benedict, DeBruycker, Ellis, Feland, Foster, Gilbert, Grinde, Hansen, M. Hanson, Hayne, Herron, R. Johnson, Keller, Knox, Mason, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Rehbein, Rose, Sayles, Smith, Spring, Stovall, Tunby, Tuss, Wagner, Wallin, Winslow, Zook.

Total 35

Voted Absentee: Russell, Aye.

Excused: Harper, Raney.

Total 2

Absent or not voting: Grady.

Total 1

**HB 269** - Representative Larson moved HB 269 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Barnhart, Bergsagel, Boharski, DeBruycker, Fisher, Molnar, Pavlovich, Vogel.

Total 8

Excused: Harper, Raney, Russell.

Total 3



Absent or not voting: Grady, Strizich.  
Total 2

**HB 272** - Representative J. Rice moved consideration of HB 272 be placed below HB 301 on the second reading board. Motion carried.

Representative Harper present at this time.

**HB 276** - Representative McCulloch moved HB 276, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (46-52)

Representative Gervais moved HB 276 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Barnett, Benedict, Bergsagel, Boharski, DeBruycker, M. Hanson, Hayne, R. Johnson, L. Nelson, Pavlovich, Rehbein, Smith, Spring, Wagner.  
Total 14

Voted Absentee: Russell, Aye.

Excused: Raney.  
Total 1

Absent or not voting: None.  
Total 0

**HB 299** - Representative Wallin moved HB 299 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Ewer, Fagg, Galvin, Gervais, Hansen, Harper, Harrington, Herron, J. Johnson, Kadas, Keller, McCaffree, McCulloch, Menahan, Orr, Quilici, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tuss, Vogel, Wallin, Whalen, Wyatt.  
Total 53

Noes: Bachini, Benedict, Bergsagel, Cocchiarella, DeBruycker, Elliott, Ellis, Endy, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, R. Johnson, Kasten, Knox, Larson, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson,

Rehbein, J. Rice, Simon, Stovall, Tash, Toole, Tunby, Wagner, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 45

Voted Absentee: Russell, Aye.

Excused: Raney.  
Total 1

Absent or not voting: Schye.  
Total 1

**HB 301** - Representative Wyatt moved HB 301 do pass. Motion failed as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Bird, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ewer, Fagg, Galvin, Grimes, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCarthy, McCulloch, T. Nelson, Peck, Quilici, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Strizich, Swanson, Tuss, Vogel, Wallin, Wiseman, Wyatt.  
Total 45

Noes: Bachini, Barnett, Bergsagel, Boharski, Bohlinger, Brown, Cobb, DeBruycker, Driscoll, Endy, Feland, Fisher, Foster, Gervais, Gilbert, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Rehbein, Rose, Sayles, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Tash, Toole, Tunby, Wagner, Wanzenried, Whalen, Winslow, Zook, Mr. Speaker.  
Total 52

Voted Absentee: Russell, Aye.

Excused: Raney.  
Total 1

Absent or not voting: Ellis, Grady.  
Total 2

**HB 272** - Representative J. Rice moved HB 272, second reading copy, be amended (amendment #1).

1. Title, line 14.  
Strike: "AND"  
Following: "23-5-631,"  
Insert: "AND 23-7-302,"

2. Page 26, line 9.  
Following: line 8  
Insert: "Section 18. Section 23-7-302, MCA, is amended to read:  
"23-7-302. Sales restrictions. (1) The price of each lottery game ticket or chance must be clearly stated thereon. The price

a lottery game chance vended by a machine or electronic device must be clearly stated on the machine or device.

(2) Tickets and chances may not be sold to or purchased by persons under 18 years of age.

(3) Tickets and chances may be purchased only with cash or a check and may not be purchased on credit.

(4) Tickets and chances may not be sold to or purchased by commissioners, the director, his staff, gaming suppliers doing business with the state lottery, suppliers' officers and employees, employees of any firm auditing or investigating the state lottery, governmental employees auditing or investigating the state lottery, or members of their households.

(5) The names of elected officials may not appear on any ticket or chance."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, Pavlovich, Sayles, Tunby.

Total 4

Excused: Raney, Russell.

Total 2

Absent or not voting: Cobb.

Total 1

Representative J. Rice moved HB 272, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Pavlovich, Tunby.

Total 2

Voted Absentee: Russell, Aye.

Excused: Raney.

Total 1

Absent or not voting: Grinde.

Total 1

**HB 303** - Representative S. Rice moved HB 303 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Wiseman, Wyatt, Mr. Speaker.

Total 79

Noes: Bachini, DeBruycker, Feland, Fisher, H.S. Hanson, Pavlovich, Peck, Peterson, Rehbein, Sayles, Simon, Spring, Wagner, Wanzenried, Winslow.

Total 15

Voted Absentee: Russell, Aye.

Excused: Raney.

Total 1

Absent or not voting: Bardanouve, Cobb, Ellis, Harper, Zook.

Total 5

**HB 304** - Representative Kasten moved HB 304 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici,



Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Pavlovich.  
Total 2

Voted Absentee: Russell, Aye.

Excused: Raney.  
Total 1

Absent or not voting: Harper.  
Total 1

**HB 317** - Representative Gilbert moved HB 317 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: DeBruycker, Galvin, H.S. Hanson, R. Johnson, Pavlovich, Wanzenried.  
Total 6

Voted Absentee: Russell, Aye.

Excused: Raney.  
Total 1

Absent or not voting: None.  
Total 0

**HB 323** - Representative McCarthy moved HB 323 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady,

Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Ellis, Pavlovich, Rehbein, Stanford.

Total 4

Voted Absentee: Russell, Aye.

Excused: Raney.

Total 1

Absent or not voting: Bardanouve.

Total 1

**HB 307** - Representative DeBruycker moved HB 307 do pass. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 84

Noes: Anderson, Bachini, Cobb, Driscoll, Ellis, Harper, Pavlovich, Peck, Rose, Sayles, Spring, Tunby, Wanzenried, Mr. Speaker.

Total 14

Voted Absentee: Russell, Aye.

Excused: Raney.

Total 1

Absent or not voting: Molnar.

Total 1

**HB 281** - Representative Grady moved HB 281 do pass. Motion carried as follows:

Ayes: Bardanoue, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brooke, Clark, Daily, DeBruycker, Dolezal, Endy, Ewer, Fagg, Foster, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Hayne, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, Menahan, Molnar, T. Nelson, Orr, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Toole, Wagner, Wallin, Whalen, Wiseman, Zook.  
Total 55

Noes: Anderson, Bachini, Barnett, Bergsagel, Boharski, Brandewie, Brown, Cobb, Cocchiarella, Davis, Dowell, Driscoll, Elliott, Ellis, Feland, Fisher, Galvin, Gervais, Grinde, H.S. Hanson, Herron, Hibbard, Kasten, McCaffree, McCulloch, Mills, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, Rose, Sayles, Stanford, Tash, Tunby, Tuss, Vogel, Wanzenried, Winslow, Wyatt, Mr. Speaker.  
Total 44

Voted Absentee: Russell, Aye.

Excused: Raney.  
Total 1

Absent or not voting: None.  
Total 0

**HB 306** - Representative McCaffree moved HB 306 do pass. Motion carried as follows:

Ayes: Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Anderson, DeBruycker, Driscoll, Gilbert, Herron, R. Johnson, Kasten, Pavlovich, Peterson, Rehbein, Simon, Wagner.  
Total 12

Voted Absentee: Russell, Aye.

Excused: Raney.  
Total 1

Absent or not voting: Harrington.  
Total 1

**HB 305** - Representative Kadas moved HB 305 do pass. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Knox, Larson, McCaffree, McCulloch, Menahan, Mills, Molnar, T. Nelson, Peck, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Wyatt, Mr. Speaker.

Total 63

Noes: Anderson, Bachini, Bergman, Bergsagel, Brandewie, Clark, Dowell, Driscoll, Feland, Foster, Gilbert, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Mason, McCarthy, L. Nelson, Orr, Pavlovich, Peterson, Quillici, Rose, Simon, Simpkins, Smith, Spring, Stovall, Vogel, Wagner, Whalen, Winslow, Wiseman, Zook.

Total 36

Voted Absentee: Russell, Aye.

Excused: Raney.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Speaker Pro Tempore in the Chair. Chairman Pavlovich moved the adoption of the committee report.

Representative Wyatt made a substitute motion HB 301 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried. (88-6)

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/8/93

Correctly enrolled: HB 8, HB 47, HB 88.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 23** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper,



Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Gilbert, Toole.  
Total 2

Voted Absentee: Russell, Aye.

Excused: Raney.  
Total 1

Absent or not voting: None.  
Total 0

**HB 223** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Russell, Aye.

Excused: Raney.  
Total 1

Absent or not voting: None.  
Total 0

**HB 232** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Ewer, Fagg, Foster, Galvin,

Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Orr, Pavlovich, Peck, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Schye, Simpkins, Smith, Spring, Squires, Stanford, Swanson, Tash, Toole, Tunby, Vogel, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 70

Noes: Benedict, Bergsagel, Boharski, Brandewie, Dowell, Elliott, Feland, Fisher, Gilbert, Grady, Grinde, Herron, Kasten, Molnar, L. Nelson, T. Nelson, Peterson, Rehbein, Ryan, Sayles, Schwinden, Simon, Stovall, Strizich, Tuss, Wagner, Wallin, Wanzenried, Zook.

Total 29

Voted Absentee: Russell, Aye.

Excused: Raney.

Total 1

Absent or not voting: None.

Total 0

**HB 289** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Benedict, R. Johnson, Wagner.

Total 3

Voted Absentee: Russell, Aye.

Excused: Raney.

Total 1

Absent or not voting: Mills, Rose, Spring.

Total 3

**HB 292** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb,

Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Boharski, DeBruycker, Kasten.  
Total 3

Excused: Raney, Russell.  
Total 2

Absent or not voting: Barnett, Larson, L. Nelson.  
Total 3

### **MOTIONS**

Representative Boharski moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative Grady moved HB 193 be taken from the Committee on Agriculture, Livestock, and Irrigation and rereferred to the Committee on Appropriations. Motion carried.

### **SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 145: Boharski, Simon, Hansen, Bohlinger, Squires, S. Rice, Grimes, Bergman, Dowell, Strizich, T. Nelson, Barnhart, Molnar, Sayles, Smith.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, February 9, 1993. Motion carried.

House adjourned at 3:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana  
February 9, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative J. Johnson. Pledge of Allegiance to the Flag.

Roll call. All members present except Grady, Russell, Strizich, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-eighth and twenty-ninth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/9/93  
Correctly printed for second reading: HB 145, HB 202, HB 255, HB 279, HB 288, HB 324, HB 340, HB 393, HB 403, HB 409, HB 410.  
Correctly engrossed for third reading: HB 258, HB 269, HB 272, HB 276, HB 281, HB 299, HB 303, HB 304, HB 305, HB 306, HB 307, HB 317, HB 323.  
Signed by the Speaker at 9:00 a.m., 2/9/93: HB 8, HB 47, HB 88, SB 67.  
Signed by the Speaker at 10:15 a.m., 2/9/93: SB 7, SB 8, SB 34, SB 43, SB 45, SB 57, SB 83, SB 110, SB 126, SB 127.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

2/8/93

**HB 222**, introduced bill, be amended as follows:

1. Page 2, line 7.

Following: "Each"

Insert: "individual, except an apprentice, employed by the licensee to perform services under the"

2. Page 2, line 8.

Strike: "have separate department endorsements for"

Insert: "obtain from the department an endorsement to service"

3. Page 2, line 9.

Following: "extinguishers"

Strike: " , "

Insert: "or to sell, service, or install:  
(a)"

Following: "systems"

Strike: " , "

Insert: " ; "

(b)"

4. Page 2, line 10.

Following: "suppression systems"

Strike: " , and "

Insert: " ; or "

(c)

5. Page 2, line 13.

Strike: "supervising"

Insert: "conducting"

6. Page 2, line 19.

Strike: "a"

Insert: "the required"

7. Page 3, line 7.

Following: ":",

Insert: "and"

8. Page 3, lines 9 through 12.

Following: "~~who~~" on line 9

Strike: remainder of line 9 through "(c)" on line 12

9. Page 3, line 21.

Following: line 20

Insert: "(3) The department shall:

(a) issue an endorsement to an applicant who scores a passing grade on an examination devised or approved by the department; and

(b) annually renew the endorsement upon payment of the endorsement fee and submission of satisfactory proof that the endorsee has completed continuing education, training, or testing required by the department."

10. Page 4, line 15.

Following: "license fee."

Insert: "(2)"

Strike: "\$250"

11. Page 4, line 16.

Following: "50-39-101"

Strike: ":",

Insert: ", as follows:

(a) \$100 to service fire extinguishers;

(b) \$175 to sell, service, or install fire alarm systems;

(c) \$175 to sell, service, or install special agent fire suppression systems; and

(d) \$175 to sell, service, or install fire extinguishing systems.

(3)"

Strike: "not"

12. Page 4, lines 20 through 22.

Strike: lines 20 through 22 in their entirety

13. Page 5, line 1.

Following: page 4

Insert: "NEW SECTION. Section 7. Deposit of fees. The fees collected under 50-39-105 must be deposited in an account in the state special

revenue fund to the credit of the department of justice and appropriated to the department to administer [this act].

NEW SECTION. Section 8. Coordination instruction. If House Bill No. 207 is passed and approved and if it creates a state special revenue account to fund the fire prevention and investigation activities of the department of justice, then [section 7 of this act] is void and the fees collected under 50-39-105, as amended by [this act], must be deposited in the special revenue account created by House Bill No. 207."

Renumber: subsequent sections

14. Page 5, line 2.

Strike: "[Section 6] is"

Insert: "[Sections 6 and 7] are"

15. Page 5, line 4.

Strike: "[section 6]"

Insert: "[sections 6 and 7]"

And, as amended, do pass. Report adopted.

**HB 349**, introduced bill, do pass. Report adopted.

**HB 371**, introduced bill, do pass. Report adopted.

2/9/93

**HB 449**, introduced bill, do pass. Report adopted.

2/9/93

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

2/9/93

**HB 293**, introduced bill, do pass. Report adopted.

**HB 384**, introduced bill, be amended as follows:

1. Title, line 8.

Following: "STANDARDS;"

Insert: "PROVIDING THAT A SCHOOL DISTRICT MAY NOT HAVE STATE FUNDS WITHHELD BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION IF THE BOARD OR THE SUPERINTENDENT FAILS TO COMPLY WITH STATUTORY REQUIREMENTS OR IF A BOARD RULE, POLICY, OR STANDARD HAVING SUBSTANTIAL FINANCIAL IMPACT ON A SCHOOL DISTRICT IS NOT FUNDED BY THE LEGISLATURE;"

2. Page 2, line 19.

Following: "~~time~~:" on line 18

Insert: "(4) A school district may not have state funds withheld by the superintendent of public instruction if the board of public education or the superintendent fails to comply with the provisions of this section or if a board rule, policy, or standard having substantial financial impact on a school district is not funded by the legislature."

And, as amended, do pass. Report adopted.

**HB 424**, introduced bill, be amended as follows:

1. Page 2, line 19.

Following: "year"

Insert: "that exceed the tuition receipts of the prior year"

2. Page 2, line 24.

Following: "Any"

Insert: "other"

3. Page 2, line 25 through page 3, line 1.

Following: "year" on page 2, line 25

Strike: remainder of page 2, line 25 through "must" on page 3, line 1

Insert: "that exceed the tuition receipts of the prior year may"

4. Page 7, line 9.

Following: "year"

Insert: "that exceed the tuition receipts of the prior year"

5. Page 7, line 14.

Following: "Any"

Insert: "other"

6. Page 7, lines 15 and 16.

Following: "year" on line 15

Strike: remainder of line 15 through "must" on line 16

Insert: "that exceed the tuition receipts of the prior year may"

And, as amended, do pass. Report adopted.

FISH AND GAME (Foster, Chairman):

2/5/93

**SB 58**, third reading copy, be amended as follows:

1. Page 2, line 7.

Following: "ARMS"

Insert: ", including bow and arrow,"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman):

2/6/93

**HB 396**, introduced bill, be amended as follows:

1. Page 3, line 20.

Strike: "Department"

Insert: "Unless and until there is a conviction on the charge in relation to which the test was requested that has become final, department"

2. Page 4, lines 5 and 6.

Strike: ", whether" on line 5 through "convicted" on line 6

Insert: "if there is no final conviction"

And, as amended, do pass. Report adopted.



STATE ADMINISTRATION (Simpkins, Chairman):  
**HB 329**, introduced bill, be amended as follows:

2/8/93

1. Page 2, line 10.

Strike: "shall"

Insert: "may"

2. Page 2, line 14.

Following: "to"

Insert: "potentially"

3. Page 2, line 16.

Following: "elector"

Strike: "chosen"

Insert: "who agrees to serve as an election judge"

4. Page 2, lines 19 through 22.

Following: "years." on line 19

Strike: "An" through "public." on line 22

And, as amended, do pass. Report adopted.

**HB 435**, introduced bill, do pass. Report adopted.

**HJR 12**, introduced bill, do pass. Report adopted.

TAXATION (Gilbert, Chairman):

2/8/93

Adverse Committee Report

**HB 154**, introduced bill, be amended as follows:

2/5/93

1. Page 2, line 18.

Following: "tax;"

Insert: "or"

2. Page 2, line 19.

Following: "employer"

Insert: "about the taxpayer"

3. Page 2, lines 21 through 23.

Strike: ": or" on line 21 through "employer" on line 21

Insert: ". However, the department shall ensure that no information other than information about that taxpayer is provided to the taxpayer."

And, as amended, do not pass.

**HB 330**, introduced bill, do pass. Report adopted.

**HB 363**, introduced bill, do pass. Report adopted.

2/5/93

**SB 227**, third reading copy, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House Joint Resolution concurred in as amended and returned to the House for concurrence in Senate amendments: 2/9/93

**HJR 5**, introduced by Mercer

Senate bills passed and transmitted to the House for concurrence: 2/8/93

**SB 145**, introduced by Waterman

**SB 165**, introduced by Hertel

**SB 173**, introduced by Bartlett

**SB 193**, introduced by Waterman

**SB 238**, introduced by Crippen

**SB 255**, introduced by Swysgood

**SB 272**, introduced by Koehnke

House amendments to Senate bill concurred in: 2/8/93

**SB 10**, introduced by Towe

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 534**, introduced by Cocchiarella, referred to Select Committee on Workers' Compensation

**HB 535**, introduced by Foster, Koehnke, referred to Committee on Agriculture, Livestock, and Irrigation

**HB 536**, introduced by Tuss, Whalen, Galvin, Sayles, S. Rice, Stanford, Endy, Rehbein, Quilici, Gervais, Franklin, Christiaens, Doherty, Wilson, Strizich, referred to Committee on Local Government

**HB 537**, introduced by Bardanouve (by request of the Departments of Administration, Corrections and Human Services, and Commerce), referred to Committee on State Administration

**HB 538**, introduced by Foster, Quilici, Crippen, D. Brown, Lynch, Driscoll, Kennedy, Harrington, Benedict, Strizich, Harp, referred to Committee on Business and Economic Development

**HB 539**, introduced by D. Brown, Larson, Harrington, Gilbert, Nathe (by request of the Department of Transportation), referred to Committee on Taxation

**HB 540**, introduced by Bachini, Swysgood, Hockett, Menahan, referred to Committee on Education and Cultural Resources

**HB 541**, introduced by L. Nelson, Nathe, Halligan, referred to Committee on Highways and Transportation

**HB 542**, introduced by Simpkins, referred to Committee on State Administration

**HB 543**, introduced by Ewer, Hibbard, Grady, R. Johnson, referred to Committee on Business and Economic Development

**HB 544**, introduced by Smith, referred to Committee on Human Services and Aging

**HJR 14**, introduced by Wagner, Knox, Rose, Bird, M. Hanson, Schwinden, Bruski-Maus, Bartlett, Ryan, Barnhart, Kennedy, Squires, Swanson, Davis, Gervais, Ream, Stanford, Galvin, Dolezal, L. Nelson, Sayles, Vaughn, Blaylock, J. Rice, Harp, Grosfield, Hansen, Christiaens, Eck, Pavlovich, Cocchiarella, Weeding, Harrington, Tuss, Franklin, Whalen, Brandewie, Waterman, Raney, Toole, Menahan, Gilbert, McClerman, S. Rice, Harper, Winslow, Schye, Doherty, Mercer, Herron, D. Brown, referred to Committee on Business and Economic Development

The following Senate bills were introduced, read first time, and referred to committee:

**SB 145**, introduced by Waterman, Bartlett, Doherty, Christiaens, S. Rice, Van Valkenburg, Halligan, referred to Committee on Highways and Transportation

**SB 165**, introduced by Hertel (by request of the Department of Commerce), referred to Committee on Human Services and Aging

**SB 173**, introduced by Bartlett, J. Rice, Fritz, Brooke, Jacobson, B. Brown, Squires, Nathe, Devlin, Hockett, Harper, Swift, Ewer (by request of the Public Employees' Retirement Board and the Teachers' Retirement Board), referred to Committee on Judiciary

**SB 193**, introduced by Waterman (by request of the Department of Corrections and Human Services), referred to Committee on Judiciary

**SB 238**, introduced by Crippen, referred to Committee on Judiciary

**SB 255**, introduced by Swysgood, referred to Committee on Highways and Transportation

**SB 272**, introduced by Koehnke, referred to Committee on Highways and Transportation

### MOTIONS

Representative Grinde moved the rules be suspended to permit placement and consideration of HJR 5 on second reading this legislative day. Motion carried.

Representative Keller moved SB 98 be taken from second reading and rereferred to the Committee on Agriculture, Livestock, and Irrigation. Motion carried.

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grimes in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 5** - Representative Mercer moved Senate amendments to HJR 5 be concurred in. Motion carried as follows:

Ayes: Anderson, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCulloch, Mills, L. Nelson, Orr, Quilici, Ream, J. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 61

Noes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dowell, Galvin, Gervais, Harper, Hayne, Herron, Kadas, Kasten, McCaffree, McCarthy, Menahan, Molnar, T. Nelson, Pavlovich, Peck, Peterson, Raney, Rehbein, S. Rice, Ryan, Squires, Stovall, Toole, Wallin.

Total 35

Voted Absentee: Ewer, Aye.

Excused: Grady, Russell, Strizich.

Total 3

Absent or not voting: Grimes.

Total 1

**HB 196** - Representative Driscoll moved HB 196 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Barnett, Bergman, Boharski, Daily, DeBruycker, Ewer, Fagg, Hansen, McCaffree, L. Nelson, Peck, S. Rice, Schye.

Total 13

Voted Absentee: Russell, Aye; Ewer, No.

Excused: Grady, Strizich.

Total 2

Absent or not voting: None.

Total 0



**HB 308** - Representative Kasten moved HB 308 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Brooke, Cocchiarella, Dowell, Galvin, Gervais, McCaffree, Ream, Stanford, Tuss, Wanzenried.  
Total 10

Voted Absentee: Ewer, Russell, Ayes.

Excused: Grady, Strizich.  
Total 2

Absent or not voting: Grimes, Vogel, Whalen.  
Total 3

**HB 356** - Representative Gilbert moved HB 356 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Grady, Strizich.  
Total 2

Absent or not voting: Barnett.

Total 1

Representative Strizich present at this time.

**HB 377** - Representative Barnett moved HB 377 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**HB 402** - Representative Strizich moved HB 402 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**HJR 3** - Representative Gilbert moved HJR 3 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bachini, Bergsagel, Boharski, Clark, Cobb, Daily, DeBruycker, Elliott, Kasten, Peck, Peterson, Wanzenried.

Total 12

Voted Absentee: Ewer, Grady, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Benedict, McCulloch, J. Rice.

Total 3

Representative Grady present at this time.

**HB 121** - Representative Fagg moved HB 121 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 62

Noes: Barnhart, Bird, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Galvin, Gervais, Hansen, Harper, J. Johnson, Kadas, Larson, McCaffree, McCulloch, Menahan, L. Nelson, Pavlovich, Raney, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Strizich, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 38

Voted Absentee: Ewer, Aye; Russell, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Ewer present at this time.

**SB 61** - Representative Spring moved SB 61 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bachini, Boharski, DeBruycker, Gilbert, R. Johnson, Peck, Rehbein, Simpkins, Wanzenried.  
Total 9

Voted Absentee: Russell, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 99** - Representative Harrington moved SB 99 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady,



Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Barnett, Hayne, R. Johnson, McCaffree, Wallin.  
Total 5

Voted Absentee: Russell, Aye.

Excused: None.  
Total 0

Absent or not voting: Bachini, Gilbert, Peck, Strizich, Wiseman.  
Total 5

**SB 133** - Representative Galvin moved SB 133 be concurred in. Motion failed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Bergman, Boharski, Brooke, Clark, Davis, Elliott, Fagg, Foster, Galvin, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Keller, Knox, Mason, McCaffree, Menahan, T. Nelson, Ream, Rose, Russell, Schwinden, Schye, Smith, Spring, Stovall, Swanson, Tash, Tuss, Vogel, Wallin, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 44

Noes: Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brown, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Feland, Fisher, Gervais, Gilbert, Grady, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Larson, McCarthy, McCulloch, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Ryan, Sayles, Simon, Simpkins, Squires, Stanford, Toole, Tunby, Wagner, Wanzenried, Wiseman.  
Total 55

Voted Absentee: Russell, Aye.

Excused: None.  
Total 0

Absent or not voting: Strizich.  
Total 1

**SB 29** - Representative Vogel moved SB 29 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown,

Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Russell, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 85** - Representative Cobb moved SB 85 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Whalen.

Total 1

Voted Absentee: Russell, Aye.

Excused: None.

Total 0

Absent or not voting: Tunby.

Total 1

**SB 138** - Representative Elliott moved SB 138 be concurred in.

Representative Bergsagel moved SB 138, third reading copy, be amended.

Representative Mercer made a substitute motion SB 138 be passed for the day. Motion carried.

**SB 185** - Representative Gilbert moved SB 185 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, S. Rice, Rose, Russell, Ryan, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, Brown, Driscoll, Gervais, Kasten, L. Nelson, T. Nelson, Raney, Rehbein, J. Rice, Sayles, Schwinden, Wyatt.

Total 13

Voted Absentee: Russell, Aye.

Excused: None.

Total 0

Absent or not voting: Cobb, McCulloch.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grimes moved the adoption of the committee report. Report adopted. (85-12)

Representative Mills excused at this time.

### MOTIONS

Representative Grinde moved the rules be suspended to permit placement and consideration of HJR 5 on third reading this legislative day. Motion carried.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 201** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Fisher, Peck, Whalen.

Total 3

Voted Absentee: Mills, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Hayne.

Total 1

**HB 220** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: S. Rice, Tuss.

Total 2

Voted Absentee: Mills, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Hansen, Molnar.

Total 2



**HB 266** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Brown, Driscoll, Galvin, Gervais, Harper, Kadas, McCaffree, T. Nelson, Peck, Raney, Schwinden, Stanford.

Total 12

Voted Absentee: Mills, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Ellis, Ream.

Total 2

**HB 283** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Mills, L. Nelson, T. Nelson, Orr, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 74

Noes: Bergsagel, Brown, Cocchiarella, Daily, DeBruycker, Driscoll, Galvin, Gervais, Hayne, Herron, McCulloch, Menahan, Molnar, Pavlovich, Peterson, Russell, Schye, Squires, Strizich, Toole, Tuss, Wagner, Whalen, Wyatt.

Total 24

Voted Absentee: Mills, Aye; Russell, No.

Excused: None.

Total 0

Absent or not voting: Boharski, Hansen.

Total 2

**HB 339** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 96

Noes: Clark, Kadas, Wyatt.  
Total 3

Voted Absentee: Mills, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

**HB 358** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83

Noes: Bardanouve, Bird, Boharski, Brown, Daily, Davis, Fisher, Gervais, Hansen, Herron, Larson, Peck, Peterson, Ryan, Wagner, Whalen.  
Total 16

Voted Absentee: Mills, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: Rose.  
Total 1

**HJR 6** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Bergsagel, Fisher, Kasten, Rehbein, Tunby.  
Total 5

Voted Absentee: Mills, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bohlinger, Molnar.  
Total 2

**SB 80** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Peck.  
Total 1

Voted Absentee: Mills, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: Grinde.  
Total 1

**SB 135** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Benedict, Bergsagel, Driscoll, Fagg, Hayne, McCaffree, L. Nelson, T. Nelson, Spring, Vogel, Wyatt.

Total 11

Voted Absentee: Mills, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

**SB 88** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Mills, Russell, Ayes.

Excused: None.

Total 0



Absent or not voting: None.  
Total 0

**SB 97** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Cobb, Peck.  
Total 3

Voted Absentee: Mills, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

**SB 141** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Gervais, Mason, Pavlovich, Peck, Peterson, Rehbein, Smith, Spring, Wallin.  
Total 9

Voted Absentee: Mills, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Bergman.

Total 1

**SB 151** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bird, DeBruycker, Feland, Gilbert, Wagner.

Total 5

Voted Absentee: Russell, Aye.

Excused: Mills.

Total 1

Absent or not voting: Molnar.

Total 1

**HJR 5** passed as follows:

Ayes: Anderson, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Driscoll, Endy, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Herron, Hibbard, J. Johnson, R. Johnson, Knox, Larson, Mason, McCaffree, L. Nelson, Orr, Pavlovich, Quilici, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stanford, Swanson, Tash, Tunby, Vogel, Wagner, Winslow, Zook, Mr. Speaker.

Total 51

Noes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ewer, Galvin, Gervais, Gilbert, Harper, Harrington, Hayne, Kadas, Kasten, Keller, McCarthy, McCulloch, Menahan, Molnar, T. Nelson, Peck, Peterson, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stovall, Strizich, Toole, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt.

Total 47

Voted Absentee: Russell, No.

Excused: Mills.  
Total 1

Absent or not voting: Ellis.  
Total 1

### **MOTIONS**

Representative Grady moved HB 186 and HB 196 be taken from the Committee on Taxation and rereferred to the Committee on Appropriations. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, February 10, 1993. Motion carried.

House adjourned at 2:29 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana  
February 10, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Mason. Pledge of Allegiance to the Flag.

Roll call. All members present except Fagg, Grady, Russell, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/10/93

Correctly printed for second reading: HB 222, HB 293, HB 329, HB 330, HB 349, HB 363, HB 371, HB 384, HB 396, HB 424, HB 435, HB 449, HJR 3, HJR 12.

Correctly engrossed for third reading: HB 121, HB 308, HB 356, HB 377, HB 402, HJR 3, SB 29, SB 61, SB 85, SB 99, SB 185.

Examined by the sponsor and found to be correct:

HB 108 - Bergsagel

HB 109 - Barnett

HB 116 - Schye

HB 120 - Mason

Signed by the Speaker of the House and the President of the Senate at 9:30 a.m., 2/10/93: HJR 5.

Delivered to the Secretary of State for his approval at 10:00 a.m., 2/10/93: HJR 5.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman): 2/9/93

**HB 446**, introduced bill, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (T. Nelson, Chairman): 2/5/93

**HB 296**, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS 39-71-118 AND"

2. Page 3, line 3.

Following: line 2

Insert: "Section 2. Section 39-71-118, MCA, is amended to read:

"39-71-118. Employee, worker, ~~workman~~, and volunteer firefighter defined. (1) The terms "employee", "~~workman~~", or "worker" mean:

(a) each person in this state, including a contractor other than an independent contractor, who is in the service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for ~~such~~ the corporations for pay. Casual employees as defined by 39-71-116 are included as employees if they are not otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of the compensation law for these casual

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employments, as provided in 39-71-401(2). Household or domestic service is excluded.

(b) a recipient of general relief who is performing work for a county of this state under the provisions of 53-3-303 through 53-3-305 and any juvenile performing work under authorization of a district court judge in a delinquency prevention or rehabilitation program;

(c) a person receiving on-the-job vocational rehabilitation training or other on-the-job training under a state or federal vocational training program, whether or not under an appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. However, this subsection does not apply to students enrolled in vocational training programs as outlined above while they are on the premises of a public school or community college.

(d) students enrolled and in attendance in programs of vocational-technical education at designated vocational-technical centers;

(e) an airman or other person employed as a volunteer under 67-2-105; OR

(f) a person, other than a juvenile as defined in subsection (1)(b), performing community service for a nonprofit organization or association or for a federal, state, or local government entity under a court order, or an order from a hearings officer as a result of a probation or parole violation, whether or not under appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. For a person covered by the definition in this subsection (f):

(i) compensation benefits must be limited to medical expenses pursuant to 39-71-704 and an impairment award pursuant to 39-71-703 that is based upon the minimum wage established under Title 39, chapter 3, part 4, for a full-time employee at the time of the injury; and

(ii) premiums must be paid by the employer, as defined in 39-71-117(3), and must be based upon the minimum wage established under Title 39, chapter 3, part 4, for the number of hours of community service required under the order from the court or hearings officer.

(2) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a fire company organized and funded by a county, a rural fire district, or a fire service area.

(3) (a) If the employer is a partnership or sole proprietorship, ~~such~~ the employer may elect to include as an employee within the provisions of this chapter any member of ~~such~~ the partnership or the owner of the sole proprietorship devoting full time to the partnership or proprietorship business.

(b) In the event of ~~such~~ an election, the employer must serve upon the employer's insurer written notice naming the partners or sole proprietor to be covered and stating the level of compensation coverage desired by electing the amount of wages to be reported, subject to the limitations in subsection (3)(d). A partner or sole proprietor is not considered an employee within this chapter until such notice has been given.

(c) A change in elected wages must be in writing and is effective at the start of the next quarter following notification.

(d) All weekly compensation benefits must be based on the amount of elected wages, subject to the minimum and maximum limitations of this subsection. For premium ratemaking and for the determination of weekly wage for weekly compensation benefits, the electing employer may elect not less than \$900 a month and not more than 1½ times the average weekly wage as defined in this chapter.

(4) The trustees of a rural fire district, a county governing body providing rural fire protection, or the county commissioners or trustees for a fire service area may elect to include as an employee within the provisions of this chapter any volunteer firefighter. A volunteer firefighter who receives workers' compensation coverage under this section may not receive disability benefits under Title 19, chapter 12.

(5) An employee, ~~workman~~, or worker in this state whose services are furnished by a person, association, contractor, firm, or corporation, other than a temporary service contractor, to an employer as defined in 39-71-117 is presumed to be under the control and employment of the employer. This presumption may be rebutted as provided in 39-71-117(3).

(6) For purposes of this section, an "employee, ~~workman~~, or worker in this state" means:

(a) a resident of Montana who is employed by an employer and whose employment duties are primarily carried out or controlled within this state; ~~or~~

(b) a nonresident of Montana whose principal employment duties are conducted within this state on a regular basis for an employer; ~~or~~

(c) a nonresident employee of an employer from another state engaged in the construction industry, as defined in 39-71-116, within this state."

NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**SB 116**, third reading copy, be concurred in. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman):

2/10/93

**HB 295**, introduced bill, do pass. Report adopted.

**HB 342**, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "ASSESSMENTS"

Insert: "CHARGES"

2. Page 4, line 23.

Strike: "assessments"

Insert: "any other charges"

And, as amended, do pass. Report adopted.

**HB 367**, introduced bill, do pass and be placed on the consent calendar.  
Report adopted.

**HB 368**, introduced bill, do pass and be placed on the consent calendar.  
Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/9/93

**HB 263**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Following: "LAWS;" on line 5

Strike: "CLARIFYING" on line 5 through "ISSUANCE;" on line 6.

2. Title, lines 6 and 7.

Strike: "SECTIONS" on line 6

Insert: "SECTION"

Strike: "AND 75-5-401" on line 7

3. Page 5, line 6 through page 6, line 16.

Strike: section 2 in its entirety

And, as amended, do pass. Report adopted.

**HB 442**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/10/93

**HB 126**, introduced bill, do pass. Report adopted.

**HB 404**, introduced bill, be amended as follows:

2/9/93

1. Page 10, line 14.

Following: "successor"

Insert: "or documents showing an other-than-dishonorable discharge or a reenlistment"

2. Page 11, line 21.

Following: "for"

Insert: "administration,"

3. Page 20, line 24.

Following: "successor"

Insert: "or documents showing an other-than-dishonorable discharge or a reenlistment"

4. Page 22, line 6.

Following: "for"

Insert: "administration,"

And, as amended, do pass and be placed on the consent calendar. Report adopted.



TAXATION (Gilbert, Chairman):

2/9/93

**HB 268**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "AND"

Insert: ", "

2. Title, line 5.

Following: "TOWNS"

Insert: ", AND CONSOLIDATED CITY-COUNTY GOVERNMENTS"

3. Title, line 6.

Following: "AREAS"

Insert: "; AND PROVIDING FOR PROPERTY TAX LIMITATION"

4. Page 1, line 10.

Following: "(1)"

Insert: "(a)"

5. Page 1.

Following: line 15

Insert: "(b) The governing body of a consolidated city-county may establish a fire service area to provide the services and equipment set forth in [section 2] in areas of the city-county that are not part of a fire protection service district, rural fire district, or fire service area."

6. Page 4.

Following: line 1

Insert: "NEW SECTION. Section 5. Property tax limitation. In a city or town that funds fire services through a fire service area, the amount of property taxes allowed to be levied under the provisions of Title 15, chapter 10, part 4, must be reduced by the number of mills levied for fire services in the year prior to the establishment of the fire service area. If fire services are financed from the general fund or by a combination of general fund and mill levies, the reduction in the number of mills is the number of mills that would have been necessary to generate the fire service funding in the previous year."

Renumber: subsequent section

7. Page 4, line 3.

Page 4, line 5.

Strike: "4"

Insert: "5"

And, as amended, do pass. Report adopted.

**HB 382**, introduced bill, do pass. Report adopted.

**HB 397**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "DUPLICATE DRIVER'S LICENSES AND INSTRUCTION PERMITS AND FOR"

2. Title, lines 7 and 8.

Strike: "ESTABLISHING A FEE FOR NATIONAL DRIVER REGISTER INQUIRIES;"

3. Title, line 12.

Following: "LICENSES;"

Insert: "LIMITING INFORMATION THAT MAY BE PLACED ON A DRIVER'S LICENSE MAGNETIC STRIPE;"

4. Title, line 13.

Strike: "61-5-114,"

5. Page 1, lines 17 through 24.

Strike: section 1 in its entirety

Renumber: subsequent sections

6. Page 2, lines 23 and 24.

Strike: "A fee of \$3 must be paid for each national driver register (NDR) inquiry."

7. Page 4, line 13.

Following: "stripe"

Insert: "containing only the information shown on the face of the driver's license or identification card"

And, as amended, do pass. Report adopted.

**HB 437**, introduced bill, do pass. Report adopted.

**SB 183**, third reading copy, be concurred in. Report adopted.

### MOTIONS

Representative Gervais moved HB 92 be taken from second reading and referred to the Committee on Judiciary. Motion failed. (47-50)

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

2/9/93

**HB 130**, introduced by Wiseman

**HB 147**, introduced by Ellis

Senate bills passed and transmitted to the House for concurrence:

2/9/93

**SB 72**, introduced by Devlin

**SB 105**, introduced by Stang

**SB 153**, introduced by Doherty

**SB 194**, introduced by Waterman

**SB 225**, introduced by Rye

**SB 228**, introduced by Stang

**SB 229**, introduced by Stang

**SB 251**, introduced by Towe

**SJR 3**, introduced by Kennedy

**SJR 11**, introduced by Wilson

House amendments to Senate bills concurred in:

2/9/93

**SB 30**, introduced by Aklestad

**SB 36**, introduced by Gage

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 8, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 85 on February 8, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 9, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 34, 56, 59, and 63 on February 9, 1993.

Sincerely,

MARC RACICOT  
Governor

Representative Gervais excused at this time.

### REPORTS OF STANDING COMMITTEES

#### ADVERSE COMMITTEE REPORT

**HB 154** - Representative Gilbert moved the 2/5/93 adverse committee report on HB 154 be adopted.

Representative Whalen made a substitute motion the adverse committee report be not adopted and HB 154 be printed and placed on second reading. Motion failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Endy, Ewer, Fisher, Galvin, Gervais, Harper,

Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen.

Total 42

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Elliott, Ellis, Feland, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 54

Voted Absentee: Gervais, Aye.

Excused: Fagg, Grady, Russell.

Total 3

Absent or not voting: Dowell.

Total 1

Thereupon the adverse committee report was adopted.

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 545**, introduced by Tuss, Lynch, DeBruycker, Cocchiarella, Kennedy, T. Nelson, Gage, Mesaros (by request of the State Auditor), referred to Committee on Business and Economic Development

**HB 546**, introduced by Gilbert, Quilici, referred to Committee on Business and Economic Development

**HB 547**, introduced by Ream, Blaylock, Cocchiarella, Brooke, Toole, McCulloch, referred to Committee on Judiciary

**HB 548**, introduced by Strizich, Klampe, J. Rice, Wilson, Cobb, Barnhart, Brooke, Bohlinger, Eck, Swanson, Dowell, Christiaens, referred to Committee on Judiciary

**HB 549**, introduced by Peterson, Fritz (by request of the Joint Subcommittee on General Government and Transportation), referred to Committee on Appropriations

**HB 550**, introduced by Bergman, Hayne, Smith, Mills, M. Hanson, Wallin, Spring, Hansen, referred to Committee on Local Government

**HB 551**, introduced by Cobb, referred to Committee on Judiciary

**HB 552**, introduced by Harrington, referred to Committee on State Administration

**HB 553**, introduced by Harrington, referred to Committee on State Administration

**HB 554**, introduced by Clark, Feland, Vogel, Menahan, Bachini, Brandewie, Galvin, Stang, T. Nelson, Stovall, referred to Committee on Judiciary



**HB 555**, introduced by Pavlovich, referred to Committee on Judiciary  
**HB 556**, introduced by Daily, Lynch, Menahan, Quilici, Harrington, Pavlovich (by request of the Public Service Commission), referred to Committee on Business and Economic Development  
**HB 557**, introduced by McCaffree, Harper, Cobb, Rose, Eck, Rea, Schye, Peck, J. Rice, Grady, Beck, Swift, Squires, referred to Committee on Taxation  
**HB 558**, introduced by Hansen, referred to Select Committee on School Funding  
**HB 559**, introduced by Anderson (by request of the House Judiciary Committee), referred to Committee on Judiciary  
**HB 560**, introduced by Simpkins, referred to Committee on Human Services and Aging  
**HB 561**, introduced by D. Brown, Doherty (by request of the Human Rights Commission), referred to Committee on Judiciary  
**HB 562**, introduced by J. Rice, referred to Committee on Judiciary  
**HB 563**, introduced by Swanson, Barnhart, Brooke, Endy, Menahan, Doherty, Bartlett, Fagg, Waterman (by request of the Department of Health and Environmental Sciences), referred to Committee on Appropriations  
**HB 564**, introduced by Bergsagel (by request of the Department of Agriculture), referred to Committee on Agriculture, Livestock, and Irrigation  
**HB 565**, introduced by Wyatt, Galvin, Clark, Knox, Quilici, Keating, Vogel, Simpkins, Christiaens, Wiseman, Ryan, Dolezal, S. Rice, Driscoll, Tuss, Daily, Pavlovich, Harper, Harrington, McCaffree, Grinde, McCulloch, Wilson, R. Johnson, Wanzenried, Hertel, T. Nelson, Stovall, Simon, Blaylock, Doherty, Hager, Molnar, Forrester, Strizich, Winslow, Towe, Crippen, Franklin, Rye, Mesaros (by request of the House Highways Committee), referred to Committee on Highways and Transportation  
**HB 566**, introduced by Swanson, referred to Committee on Education and Cultural Resources

The following Senate bills were introduced, read first time, and referred to committee:

**SB 72**, introduced by Devlin, referred to Committee on Natural Resources  
**SB 105**, introduced by Stang, Elliott, Bird, Larson, referred to Committee on Highways and Transportation  
**SB 153**, introduced by Doherty, J. Rice (by request of the Department of Justice), referred to Committee on Judiciary  
**SB 194**, introduced by Waterman (by request of the Department of Corrections and Human Services), referred to Committee on Judiciary  
**SB 225**, introduced by Rye, Doherty, Yellowtail, Grady (by request of the Environmental Quality Council), referred to Committee on Natural Resources  
**SB 228**, introduced by Stang, Gilbert, Raney, Doherty, Beck, Yellowtail, referred to Committee on Natural Resources  
**SB 229**, introduced by Stang, Larson, Smith, Menahan, Gage, Grady, Tveit, referred to Committee on Judiciary  
**SB 251**, introduced by Towe (by request of the Senate Judiciary Committee), referred to Committee on Judiciary  
**SJR 3**, introduced by Kennedy, referred to Committee on Fish and Game  
**SJR 11**, introduced by Wilson, Strizich, Ryan, Weldon, Bartlett, referred to Committee on Human Services and Aging

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brown in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 145** - Representative Cobb moved consideration of HB 145 be passed for the day. Motion carried.

**HB 255** - Representative Anderson moved HB 255 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Bergman, Bird, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Mason, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Raney, Ream, J. Rice, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 62

Noes: Bachini, Barnhart, Benedict, Bergsagel, Boharski, Bohlinger, Brown, Daily, DeBruycker, Dowell, Feland, Fisher, Galvin, Grinde, Hansen, Knox, Larson, McCaffree, McCarthy, Menahan, Pavlovich, Peck, Peterson, Quilici, Rehbein, S. Rice, Rose, Schwinden, Smith, Stanford, Vogel, Wagner, Wanzenried.

Total 33

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.

Total 2

Absent or not voting: Driscoll, Gilbert, Orr.

Total 3

**HB 202** - Representative Kadas moved HB 202 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye,

Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: DeBruycker, M. Hanson.  
Total 2

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.  
Total 2

Absent or not voting: Tuss.  
Total 1

Representative Grinde assumed the Chair at this time.

**HB 279** - Representative Gilbert moved HB 279 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Galvin, R. Johnson.  
Total 2

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.  
Total 2

Absent or not voting: Bardanouve, Feland, Molnar.  
Total 3

**HB 288** - Representative Feland moved HB 288 do pass. Motion carried as follows:

Ayes: Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington,

Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Bachini, Bardanouve, Fisher, Mason, Peck, Ryan, Schwinden, Vogel, Wyatt.

Total 9

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.

Total 2

Absent or not voting: Anderson, Bergsagel, DeBruycker, Grinde.

Total 4

**HB 340** - Representative Brown moved HB 340 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Harper, Kadas, S. Rice, Russell.

Total 4

Voted Absentee: Fagg, Aye; Russell, No.

Excused: Gervais, Grady.

Total 2

Absent or not voting: None.

Total 0

Representative Brown resumed the Chair at this time.

**HB 393** - Representative Wagner moved HB 393 do pass. Motion carried as follows:



Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.  
Total 2

Absent or not voting: None.  
Total 0

**HB 403** - Representative Ewer moved HB 403, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 8.  
Following: "16."  
Insert: "including any variable rate finance program so authorized,"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: Fagg, Gervais, Grady, Russell.

Total 4

Absent or not voting: Strizich.

Total 1

Representative Bird moved HB 403, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 96

Noes: Bergsagel, Zook.

Total 2

Voted Absentee: Fagg, Gervais, Russell, Ayes.

Excused: Grady.

Total 1

Absent or not voting: Molnar.

Total 1

**HB 409** - Representative Pavlovich moved HB 409 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Feland, Peterson, Spring.

Total 3

Voted Absentee: Fagg, Gervais, Russell, Ayes.

Excused: Grady.

Total 1

Absent or not voting: J. Rice.

Total 1

**HB 410** - Representative Simpkins moved HB 410 do pass.

Representative Dowell made a substitute motion HB 410, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (35-61)

Representative Dowell moved HB 410, second reading copy, be amended (amendment #2). Amendment #2 failed as follows: (32-65)

Representative Simpkins moved HB 410 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Daily, Davis, DeBruycker, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 74

Noes: Bardanouve, Barnhart, Brooke, Cocchiarella, Dolezal, Dowell, Elliott, Ewer, Hansen, Harper, Kadas, Larson, McCarthy, Menahan, Peck, Raney, Ream, Schwinden, Schye, Squires, Stanford, Swanson, Tuss, Wanzenried.  
Total 24

Voted Absentee: Fagg, Grady, Russell, Ayes.

Excused: Gervais.

Total 1

Absent or not voting: Cobb.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Brown moved the adoption of the committee report. Report adopted. (83-11)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 211** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Cobb, Kasten, Rehbein, Simpkins, Spring, Wagner.

Total 7

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.

Total 2

Absent or not voting: Bird, Pavlovich.

Total 2

**HB 258** passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Grimes, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wanzenried, Whalen, Wiseman, Wyatt, Mr. Speaker.

Total 69

Noes: Anderson, Barnett, Benedict, DeBruycker, Ellis, Feland, Galvin, Gilbert, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Knox, Mason, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, Spring, Wagner, Wallin, Winslow, Zook.

Total 28

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.

Total 2

Absent or not voting: Mills.

Total 1



**HB 269** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Barnhart, Boharski, DeBruycker, Fisher, Peck, Vogel, Wagner.  
Total 7

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.  
Total 2

Absent or not voting: Mills, J. Rice, Squires.  
Total 3

**HB 272** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Pavlovich, Tunby.  
Total 2

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.  
Total 2

Absent or not voting: None.  
Total 0

**HB 276** passed as follows:

Ayes: Anderson, Bardanouve, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 79

Noes: Bachini, Barnett, Benedict, Boharski, Clark, DeBruycker, Gilbert, Grinde, M. Hanson, Hayne, R. Johnson, L. Nelson, Peck, Rehbein, Simon, Spring, Wagner, Zook.

Total 18

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.

Total 2

Absent or not voting: Brooke.

Total 1

**HB 281** passed as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook.

Total 74

Noes: Anderson, Bachini, Bergsagel, Boharski, Davis, Elliott, Feland, Fisher, H.S. Hanson, Kasten, McCaffree, McCulloch, L. Nelson, Peck, Peterson, Quilici, Rehbein, Sayles, Stanford, Tunby, Vogel, Wagner, Winslow, Mr. Speaker.

Total 24

Voted Absentee: Fagg, Grady, Russell, Ayes.

Excused: Gervais.

Total 1

Absent or not voting: Simpkins.

Total 1

**HB 299** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Davis, Dolezal, Dowell, Ellis, Ewer, Fagg, Galvin, Hansen, H.S. Hanson, Harper, Hibbard, J. Johnson, Kadas, Keller, Knox, McCaffree, McCulloch, Menahan, Mills, L. Nelson, Orr, Peck, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt.

Total 59

Noes: Benedict, Bergsagel, Boharski, Cocchiarella, Daily, DeBruycker, Driscoll, Elliott, Endy, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, M. Hanson, Harrington, Hayne, Herron, R. Johnson, Kasten, Larson, Mason, McCarthy, Molnar, T. Nelson, Pavlovich, Peterson, Quilici, Rehbein, Sayles, Simon, Tash, Toole, Tunby, Wagner, Winslow, Zook, Mr. Speaker.

Total 39

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.

Total 2

Absent or not voting: None.

Total 0

**HB 303** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Bachini, Cobb, DeBruycker, Feland, Fisher, Herron, Peck, Peterson, Rehbein, Sayles, Simon, Spring, Wanzenried, Winslow.

Total 14

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.

Total 2

Absent or not voting: Simpkins.

Total 1

**HB 304** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel.  
Total 1

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.  
Total 2

Absent or not voting: None.  
Total 0

**HB 305** passed as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brooke, Brown, Cocchiarella, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Grinde, Hansen, H.S. Hanson, Harper, Hibbard, J. Johnson, Kadas, Keller, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Wyatt.  
Total 56

Noes: Anderson, Bachini, Bergman, Bergsagel, Brandewie, Clark, Cobb, Daily, Dowell, Driscoll, Feland, Fisher, Foster, Gilbert, Grimes, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Knox, Mason, Mills, Pavlovich, Peterson, Rehbein, Sayles, Simon, Simpkins, Smith, Spring, Tash, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 40

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.  
Total 2

Absent or not voting: Harrington, Molnar.  
Total 2



**HB 306** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: DeBruycker, Gilbert, Herron, R. Johnson, Kasten, Peck, Peterson, Simon, Wagner.  
Total 9

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.  
Total 2

Absent or not voting: Bergman.  
Total 1

**HB 307** passed as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook.  
Total 82

Noes: Anderson, Bachini, Cobb, Ellis, Grimes, McCaffree, Pavlovich, Peck, Quilici, Sayles, Strizich, Tunby, Winslow, Mr. Speaker.  
Total 14

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.  
Total 2

Absent or not voting: Brooke, Fisher.  
Total 2

**HB 317** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, R. Johnson.

Total 2

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.

Total 2

Absent or not voting: Fisher.

Total 1

**HB 323** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Fagg, Russell, Ayes.

Excused: Gervais, Grady.

Total 2

Absent or not voting: Fisher.

Total 1

### MOTIONS

Representative Simpkins moved HB 537 be taken from the Committee on State Administration and rereferred to the Committee on Appropriations. Motion carried.

Representative Grinde moved the House recess until 5:00 p.m. Motion carried.

House recessed at 2:55 p.m.

House reconvened at 5:00 p.m. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/10/93

Examined by the sponsor and found to be correct:

HB 163 - Herron

Delivered to the Governor for his approval at 4:30 p.m., 2/10/93: HB 8, HB 47, HB 88.

The Joint Committee on Rules having had under consideration the matter concerning James Jensen and Senator McClerman recommend that the Speaker continue to suspend the lobbying privileges of James Jensen through legislative day thirty-seven. Report adopted.

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 567**, introduced by Foster, referred to Committee on Natural Resources  
**HB 568**, introduced by Knox, Simpkins, Gilbert, Mercer, Grinde, R. Johnson, M. Hanson, Rose, Hibbard, referred to Committee on Appropriations

**HB 569**, introduced by Russell, Yellowtail, Driscoll, referred to Committee on Labor and Employment Relations

**HB 570**, introduced by Grinde, Beck, Swysgood, Tash, Grimes, Nathe, Mesaros, Hockett, Hertel, J. Rice, Clark, L. Nelson, Larson, Anderson, Schwinden, Bachini, Rea, Grosfield, Mercer, Bird, Rehbein, referred to Committee on Judiciary

**HB 571**, introduced by D. Brown, Pavlovich, Quilici, Lynch, Harrington, Daily, McClerman, Jacobson, referred to Committee on Natural Resources

**HB 572**, introduced by Galvin (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**HB 573**, introduced by Kadas, referred to Committee on Judiciary

**HB 574**, introduced by J. Rice, Van Valkenburg, referred to Committee on Judiciary

**HB 575**, introduced by DeBruycker, referred to Committee on Business and Economic Development

**HB 576**, introduced by Endy, Molnar, Ryan, Stanford, Schwinden, Mason, referred to Committee on Fish and Game

**HB 577**, introduced by D. Brown (by request of the Secretary of State), referred to Committee on Business and Economic Development

**HB 578**, introduced by Squires, Molnar, Driscoll, Wilson, Schye, Ewer, Brooke, Toole, Strizich, referred to Committee on Labor and Employment Relations

**HB 579**, introduced by Russell, Schye, Brooke, Bohlinger, referred to Committee on Appropriations

**HB 580**, introduced by Cocchiarella, referred to Committee on Labor and Employment Relations

**HB 581**, introduced by S. Rice, Franklin, Ryan, Tuss, Dolezal, Wyatt, Galvin, Strizich, Wilson, Christiaens, Doherty, referred to Committee on Human Services and Aging

**HB 582**, introduced by D. Brown, referred to Committee on Judiciary

**HB 583**, introduced by S. Rice, referred to Committee on Appropriations

**HB 584**, introduced by Brooke, referred to Committee on Local Government

**HB 585**, introduced by Cocchiarella, Driscoll, Doherty, Rye, referred to Committee on Business and Economic Development

**HB 586**, introduced by Barnett, referred to Committee on State Administration

**HB 587**, introduced by Harper, Endy (by request of the State Auditor), referred to Select Committee on Workers' Compensation

**HB 588**, introduced by Tunby, referred to Committee on Taxation

**HB 589**, introduced by Toole, Larson, Stanford, Schye, Ream, referred to Committee on Local Government

**HB 590**, introduced by Toole, Larson, Cocchiarella, Harper, Schye, Stanford, Ream, referred to Committee on Judiciary

**HJR 15**, introduced by Bardanouve, referred to Committee on Human Services and Aging

**HJR 16**, introduced by Quilici, Harrington, Daily, Jacobson, Lynch, Pavlovich, McCarthy, Menahan, D. Brown, referred to Committee on Labor and Employment Relations

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 1:00 p.m., Thursday, February 11, 1993. Motion carried.

House adjourned at 5:02 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## **THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 11, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bird. Pledge of Allegiance to the Flag.

Roll call. All members present except Clark, Gervais, Russell, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirtieth, thirty-first and thirty-second legislative days, find the same to be correct.

Harriet Hayne, Chairman

### **SPECIAL ORDERS OF THE DAY**

After being presented to the members of the House by Speaker Mercer, United States Senator Max Baucus was escorted to the rostrum by Representatives Hibbard, Smith, Squires, and Strizich and gave the following address:

#### **SENATOR BAUCUS' ADDRESS To the Montana House of Representatives February 11, 1993**

Thank you, Mr. Speaker. It is both an honor and a pleasure to be here -- back home in the true heartland of American government and politics.

Looking across this chamber, I see many friends and familiar faces. While it has been a few years since I served here, there are still some surviving veterans of the 1973-74 Legislature. Session after session, Hal Harper, Red Menahan, and Joe Quilici have come back and worked tirelessly to build a better Montana.

In addition to these old timers, I realize that each of you comes here at great personal sacrifice.

What would possess 100 otherwise normal men and women to leave all they have back home -- family, friends, jobs, and businesses -- brave the sometimes icy roads to Helena, where they must make some of the most difficult decisions imaginable?

The answer is very simple and easy for any Montanan to understand. It is called public service; that most noble calling to serve on behalf of your family, your community, your state, and your nation.

Each of you ran for the Legislature because you heard that calling. You care deeply about Montana's future. You believe you can make a difference. And, you are united with each of your fellow legislators -- Democrats and Republicans -- in a common desire to make our state an even better place to live and to work.

For over thirty-four years, a certain farmer and rancher from up along the Highline has exemplified this spirit of public service. If there is one

proposition that Republicans, Democrats, liberals, and conservatives alike agree upon, it is that Representative Francis Bardanouve will be missed when he retires at the end of this session.

At the north end of this Capitol is a statue of Territorial Governor Thomas Francis Meagher. Looking out over the Sleeping Giant, Meagher brandishes his sword and stands guard over the Capitol. Likewise, Francis Bardanouve brandishes a sharp knife and stands guard over the budget of this state.

Almost twenty years ago, as a young legislator, I was privileged to serve on Chairman Bardanouve's Appropriations Committee. From that experience, I know that the Montana taxpayer could have no greater friend. Francis, we all wish you well.

### WORKING TOGETHER FOR A BETTER FUTURE

Perhaps now more than ever, the problems facing Congress mirror those confronting this body.

When it comes to the issues of economic growth, health care, budget deficits, and improving our physical infrastructure, the challenges in both Washington and Helena are enormous. These challenges undermine our competitiveness. And they threaten to undermine that very American ideal that the next generation will be better off than we are today.

If we fail to meet these challenges; if we waste our energies arguing among ourselves; if we fail to put enough value in the things we have in common; if we borrow too much for the short term and invest too little in the future, we risk becoming a nation and a state in decline.

Yet history proves that times of hardship and challenge can also bring about remarkable progress. This is, after all, a society that rose to unprecedented prosperity in the wake of the Great Depression and World War II.

The ancient Chinese must have recognized this paradox. The Chinese character for crisis is a combination of two other characters -- the character for opportunity and the character for danger.

And the Chinese are right. In every crisis -- in every challenge -- lies both the opportunity to move forward and the danger of losing ground. As overwhelming as the challenges we face today may seem, I believe we have the ingenuity, the spirit, and the will to meet them.

In Washington, I focus my time on addressing two crises affecting every Montanan and every American: the economy and the environment.

More specifically, I see three areas related to these crises where we can work together to ensure that Montana sidesteps the dangers and takes advantage of the opportunities they present. They are:

- the health care crisis;

-the challenge of rebuilding our roads, bridges, and environmental infrastructure; and,

-the ultimate challenge of helping Montana compete in the world economy.

### HEALTH CARE

There are few more pressing challenges than breaking the vicious cycle of the health care crisis.

As a member of the Senate Finance Committee, I have worked hard to assure that federal health policy considers the needs of Montana and other western states. I have sponsored and passed legislation helping to assure that Medicare adequately compensates rural hospitals and physicians. While this has helped maintain viable health care in many Montana communities, much work remains to be done, both here in Montana and throughout the nation.

Health costs are exploding. They have devoured wage increases for many hard working Americans. They have forced many businesses to reduce or eliminate health benefits.

And these costs, in turn, put America at a competitive disadvantage. They drain our economy of capital that would otherwise be available for more productive investments. For this reason, they force us to compete in the global marketplace with one arm tied behind our back.

In 1990, for instance, we spent an average of 12.4 percent of our incomes on health care. In contrast, our leading economic competitors -- Canada, Japan and Western Europe -- spend an average of just 7.5 percent of their incomes on health care.

Here in Montana, we are also feeling the pinch. As health costs rise, it becomes harder to buy a new home, feed and clothe the kids, take the family on vacation, or make car payments.

For example, during the last decade, the average Montana family's health care related payments rose 400 percent faster than wages. During the same time, Montana business spending for health insurance rose by almost 300 percent.

Meanwhile, as you are all painfully aware, Medicaid spending has become the fastest growing part of Montana's budget. It now consumes over 15 percent of the General Fund. It is a major cause of the budget deficit you are now working so hard to resolve.

And these budget strains are no different nationally.

Like the Medicaid crisis Montana faces today, federal spending on health care far outpaces inflation. With every passing year, health care spending takes a larger piece of the federal budget pie.

By next year, for instance, federal health care programs are projected to devour almost 20 percent of all federal spending -- that's an increase of six percent since 1990 alone.

While Congress and the President must act to bring these costs under control, I believe the states have an opportunity to act as laboratories for innovative health care reform.

Here in Montana, we may be on the verge of taking a giant step in this direction.

Every Montanan should be grateful for the efforts of Senator Eve Franklin and Governor Racicot in working to reach agreement on a bipartisan health care reform plan.

In addition, I applaud the work of Law School Dean Martin Burke and the members of the Montana Citizens Health Group, including your colleague, Representative John Johnson of Glendive.

Last year, I assembled this remarkably diverse group of Montanans. They each agreed to approach this issue with an open mind and reach agreement on a health care solution that makes sense for Montana.

They studied, they listened, they debated, they compromised, and they each invested enormous time to this effort. In the end, they reached consensus on a plan that will bring about meaningful health care reform for Montana. This plan forms the basis for Senator Franklin's bill. I am pleased to have played a part in its creating. I urge you to pass this important piece of legislation.

### INFRASTRUCTURE

As we have seen health care costs skyrocket, we have also seen many of our roads and bridges fall into disrepair. We face a crisis of deteriorating infrastructure.

Like the home owner whose house is flooded by what began as a small leak in the roof, we run the risk of losing billions of dollars in infrastructure investments if we fail to invest in these facilities now.

This is not a matter of pork barrel politics; this is a matter of maintaining our world economic position; our competitiveness.

If America is to compete in the new global economy, we must improve and maintain our roads, bridges, and mass transit. We must find new and more efficient ways to get our products to market and our people to work.

Today, our competitors outpace us in recognizing the need to invest in infrastructure. Japan, for example, now invests five percent of its gross national product -- an estimated three trillion dollars over the next ten years -- on infrastructure. Yet the United States, with twice Japan's population, invests just half that amount.



While city dwellers point to a legitimate need to reduce urban traffic congestion, this country will just as surely lose its competitive edge if we neglect the condition of our rural roads and bridges.

To paraphrase the late Vince Lombardi, highways are not everything in Montana, they are the only thing. We have no navigable river system to move goods to market. We have only limited air service. And, by national standards, our rail service remains expensive.

Yet, I also realize the challenge our state faces in trying to maintain the network of roads and bridges spread across this vast but sparsely populated state.

To understand the magnitude of the burden we bear, consider the following: the average state spends \$226 per capita annually on highway maintenance. But here in Montana, we spend a whopping \$380 -- the fifth highest in the nation; 59 percent above the national average.

In 1991, Congress passed a new Highway Act. As a member of the Senate Environment and Public Works Committee, the committee with jurisdiction over the Federal Highway Program, I worked closely with the Montana Department of Transportation and other western state Senators to see that this legislation treated Montana and the West fairly.

The result of our efforts is a fair deal for Montana. For instance, under the new Act, we Montanans receive \$2.30 for every dollar we pay in federal gasoline tax -- a 60 cent on the dollar increase over the previous law.

President Clinton shows every intention of making good on his promise to rebuild this nation's infrastructure. I believe this effort should begin by Congress and the President agreeing to provide the maximum level of funding for the Highway Act.

I am now privileged to chair the Environment and Public Works Committee. I intend to make full funding of the Highway Act a top priority this year.

If this happens -- and I am increasingly optimistic that it will happen -- Montana stands to gain an additional \$29 million to create jobs and meet our transportation needs for the remainder of this fiscal year.

#### ENVIRONMENTAL INFRASTRUCTURE

But our infrastructure investment goes beyond highways and bridges. We must also look to our environmental infrastructure, the waste treatment plants and drinking water systems that create jobs and protect our health and environment.

Montana's environment and natural beauty are among our strongest selling points for bringing in new businesses and creating new jobs. Increasingly, these natural values give us a competitive edge against other states and regions. I am determined to see that environmental legislation coming before my committee helps keep Montana "The Last Best Place."

As my committee looks at ways to improve our environmental laws, I also realize that many reforms could place an unreasonable financial burden on state and local governments already struggling to make ends meet.

For example, many rural Montana communities are having a hard time complying with the Clean Water Act and the Safe Drinking Water Act. It's not that Montanans in these communities don't want cleaner water, they simply lack the tax base to build expensive treatment systems required by these laws.

I am committed to finding innovative new ways to help rural communities help themselves comply with environmental laws. This will be another top priority for my committee. And I believe there is an increasing understanding within Congress that it is wrong to saddle state and local governments with mandates unless we also figure out how we will pay for them.

#### COMPETING IN THE WORLD ECONOMY

The final challenge I would like to discuss today is competing in the world economy.

The world has changed dramatically since World War II. And this change is most visible in the economy. In 1950, for example, Montana and the West produced America's food and fiber. Pittsburgh produced the steel we used. And Detroit built the automobiles we drive.

Today, Montana still produces food and fiber for the rest of the country. But, beyond this, we also produce food and fiber for much of the world. As much as 80 percent of Montana's wheat is now exported. The same trend holds true for increasing quantities of our beef and lumber. Much of the steel and many of the automobiles we produce come from overseas. And a large part of both Montana's economy and the American economy is devoted to building products hardly dreamed of in 1950, like computers, biotechnology, and cellular phones.

If Montana is to build a more prosperous future, we must take advantage of these changes. We must find new markets for the traditional products we produce as well as attract new 21st century industry to Montana.

Through my position on the Senate Finance Committee, I work to make this transition easier by opening foreign markets for Montana products and promoting tax policies that will encourage long-term investment. Likewise, you can make this transition easier by creating a sound business climate, an educational system that can attract industry to Montana, and by helping Montana business reach out to the world.

Together we can help define a strong role for Montana in the world economy.

CLOSING

While the challenges we face may at times seem overwhelming, I am reminded of a saying that inspired many in Butte and Anaconda after the mines and the smelter shut down: Tough times never last, but tough people do.

From boom to bust, and then back to boom again; from drought to bumper crop; from the bitter cold of winter to the warmth of a chinook wind, we Montanans have built prosperity from adversity. We are tough enough to overcome today's problems.

Before the final gavel goes down on this session, I believe you will once again prove the truth of that popular Butte saying.

Thank you.

Representatives Hibbard, Smith, Squires, and Strizich escorted Congressman Baucus from the House Chamber.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/11/93  
Correctly printed for second reading: HB 126, HB 263, HB 268, HB 295,  
HB 296, HB 342, HB 382, HB 397, HB 437, HB 442, HB 446.  
Correctly engrossed for third reading: HB 202, HB 255, HB 279, HB 288,  
HB 340, HB 367, HB 368, HB 393, HB 403, HB 404, HB 409,  
HB 410.  
Correctly enrolled: HB 108, HB 109, HB 116, HB 120, HB 163, HJR 5.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 2/9/93

**HB 290**, introduced bill, do pass. Report adopted.  
**SB 73**, third reading copy, be concurred in. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 2/10/93

**HB 383**, introduced bill, be amended as follows:

1. Page 3, line 1.  
Strike: "six"  
Insert: "seven"
2. Page 3, line 9.  
Following: line 8  
Insert: "(c) one member must be a property manager licensed as provided  
in [Senate Bill No. 111];"  
ReNUMBER: subsequent subsections
3. Page 7, line 15.  
Following: line 14  
Insert: "NEW SECTION. Section 5. Coordination instruction. If Senate Bill  
No. 111, including provisions creating a property manager's

license, is not passed and approved, then the code commissioner is instructed to revise [this act] to change the number of members of the real estate education council provided for in 37-51-204(5) to six and to strike the property manager from the membership of the real estate education council."

And, as amended, do pass. Report adopted.

**HB 390**, introduced bill, be amended as follows:

1. Title, line 11.

Following: line 10

Insert: "69-3-701,"

2. Page 2, lines 2 and 3.

Following: "." on line 2

Strike: the remainder of lines 2 and 3

Insert: "However, it is the intent of the legislature that the department and other state agencies share with the commission their expertise on environmental impacts of a utility's planned resource acquisitions."

3. Page 2, line 25.

Following: line 24

Insert: "actually"

Strike: "by"

Strike: "to"

Insert: "for the convenience of"

4. Page 3, line 6.

Following: "commission's"

Strike: "other"

Insert: "existing statutory"

5. Page 4, line 1.

Insert: "(6) "Portfolio development costs" means the costs of preparing a resource in a portfolio for prompt and timely acquisition of the resource."

Renumber: subsequent subsection

6. Page 6, line 17.

Insert: "Section 7. Section 69-3-701, MCA, is amended to read:

"69-3-701. Definitions. As used in this part, the following definitions apply:

(1) ~~"Avoided costs" means the incremental costs, as determined by the commission, to an electric or natural gas utility of energy or capacity, or both, which, but for the purchase of conservation, the utility would generate or supply itself or purchase from another source.~~

(2)(1) "Commission" means the Montana public service commission created in 2-15-2602.

(3)(2) "Conservation" means any reduction in electric power or natural gas consumption as a result of investment in measures that increase the efficiency of electricity or gas use in



building shells, space heating or cooling equipment, water heating equipment, or refrigeration equipment or other cost-effective measures which, over its economic life meet the criteria of 69-3-702.

~~(4) "Residential building" means a building used for residential occupancy that:~~

~~(a) has a system for heating, cooling, or both, that uses a fuel supplied by the utility; and~~

~~(b) contains at least one but not more than four separately or centrally heated dwelling units or contains more than four separately heated or cooled or both heated and cooled units."~~

Renumber: subsequent sections

7. Page 6, line 20.

Strike: "."

8. Page 6, line 21 through page 7, line 3.

Strike: "(1)"

Following: "[section 6]"

Strike: the remainder of line 21 through "costs" on page 7, line 3

And, as amended, do pass. Report adopted.

**HB 441**, introduced bill, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

2/11/93

**HB 315**, introduced bill, do pass. Report adopted.

**SB 89**, third reading copy, be concurred in. Report adopted.

**SB 152**, third reading copy, be concurred in. Report adopted.

**SB 187**, third reading copy, be concurred in. Report adopted.

**SB 209**, third reading copy, be amended as follows:

1. Page 8, line 4.

Following: "optometry."

Insert: "The board may accept the grades an applicant has received in the written examinations given by the national board of examiners in optometry."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman):

2/10/93

**HB 94**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Strike: "PROHIBITING" on line 7 through "OFFICE;" on line 8

2. Title, line 9.

Following: "2-2-111,"

Insert: "AND"

Strike: "AND 5-7-103,"

3. Page 3, lines 6 through 15.

Strike: "a gift" on line 6 through "taken." on line 15

Insert: "or receive, directly or indirectly, a gift or substantial economic benefit as a gratuity from a person or entity except as provided in this section;

(e) accept a gift or other gratuity if it could reasonably be inferred that the gift or gratuity is intended to influence the performance of the legislator's official duties, actions, or judgments;

(f) accept a gift or gratuity that the legislator knows or should under the circumstances know is primarily for the purpose of rewarding the legislator for official action the legislator has taken.

(2) A legislator may accept reimbursement for reasonable food, travel, lodging, and other expenses incurred to attend a meeting at which the legislator has a speaking engagement, participates in a panel discussion, or otherwise engages in an activity in the legislator's official capacity."

Renumber: subsequent subsection

4. Page 3, line 25, through line 3 of page 4.

Strike: "Ethical principles" on page 3, line 25

Insert: "Conflict-of-interest rules"

Strike: "(1) The" on page 3, line 25, through end of line 3 of page 4

Renumber: subsequent subsections

5. Page 4, line 6.

Strike: "personal or"

6. Page 4, line 22.

Strike: "shall"

Insert: "who elects to"

Following: "disclose"

Insert: "or eliminate"

7. Page 4, line 23.

Following: "~~do so~~"

Insert: "or who elects to abstain shall do so"

8. Page 4, line 25, through line 24 of page 5.

Strike: section 4 in its entirety

And, as amended, do pass. Report adopted.

**HB 236**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "THIRD PARTY"

Insert: "PATIENT OR THE PATIENT'S DESIGNEE"

2. Page 1, lines 16 and 17.

Strike: "suit by the person to whom the information is disclosed for"

3. Page 1, line 17.

Strike: "based upon the disclosure"

Insert: "by the patient or the patient's heirs or successors in interest that is based upon delivery to the patient or the patient's designee of health care information concerning the patient that is contained in the health care provider's patient file"

4. Page 1, lines 22 through 25.

Strike: ". I hereby" on line 22 through end of line 25

Insert: "for \_\_\_\_\_(purpose of the disclosure). This release is subject to revocation at any time except to the extent that the released health care provider has already acted in reliance on the release. If not revoked, the release terminates in accordance with 50-16-527."

And, as amended, do pass. Report adopted.

**HB 357**, introduced bill, be amended as follows:

2/9/93

1. Page 1, line 15.

Following: "of an"

Insert: "aircraft,"

Following: "airport"

Insert: ", "

And, as amended, do pass. Report adopted.

**HB 405**, introduced bill, be amended as follows:

2/9/93

1. Page 1, line 22.

Following: "person"

Insert: "in the presence of a minor"

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (T. Nelson, Chairman): 2/10/93

**HB 73**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Strike: "AND" on line 6 through "CLOSURES" on line 7

2. Title, line 9.

Strike: "SECTIONS"

Insert: "SECTION"

3. Title, line 10.

Strike: "20-9-806 AND"

4. Title, line 11.

Following: "AND"

Insert: "AN"

Strike: "DATES"

Insert: "DATE"

5. Page 2, lines 5 and 6.

Strike: "or" on line 5 through "contract" on line 6

6. Page 3, lines 9 through 19.

Strike: subsection (3) in its entirety

7. Page 3, line 20 through page 4, line 5.

Strike: Section 2 in its entirety

Renumber: subsequent sections

8. Page 4, line 6.

Strike: "(1)"

9. Page 4, lines 9 through 11.

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**HB 259**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "OF A SKI AREA OPERATOR"

Insert: "INJURED WHILE PARTICIPATING IN A RECREATIONAL ACTIVITY"

2. Title, lines 6 through 8.

Following: "COMPENSATION" on line 6

Strike: the remainder of line 6 through "EMPLOYMENT" on line 8

3. Page 3, line 20 through page 4, line 1.

Following: "is" on page 3, line 20

Strike: the remainder of line 20 through "hours" on page 4, line 1

Insert: ":

(a) participating in recreational activity and who at the time is relieved of and is not performing prescribed duties, regardless of whether the person is using, by discount or otherwise, a pass, ticket, permit, device, or other emolument of employment; or

(b) performing voluntary service at a recreational facility and who receives no compensation for those services other than meals, lodging, or the use of the recreational facilities"

And, as amended, do pass. Report adopted.

**HB 445**, introduced bill, do pass. Report adopted.

TAXATION (Gilbert, Chairman):

2/10/93

**HB 413**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "REVENUE;"

Strike: "AND"

2. Title, line 9.

Following: "MCA"



Insert: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 14.

Page 6, line 3.

Following: "increased"

Insert: ", except as provided in 69-1-224(1)(c),"

4. Page 5, lines 13 and 14.

Strike: "an account in the state special revenue fund to the credit of the department"

Insert: "the general fund. All appropriations to the department must be paid from the general fund"

5. Page 7.

Following: line 10

Insert: "NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to revenue generated by regulated activity beginning after April 1, 1993.

NEW SECTION. Section 6. Effective Date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**SB 234**, third reading copy, be amended as follows:

1. Page 2.

Following: line 25

Insert: "(d) access to information under subsection (4); or

(e) the director of revenue from permitting a representative of the commissioner of internal revenue of the United States or a representative of a proper officer of any state imposing a tax on the income of a taxpayer to inspect the returns or reports of a corporation. The department may also furnish those persons abstracts of income, returns, and reports; information concerning any item in a return or report; and any item disclosed by an investigation of the income or return of a corporation. The director of revenue may not furnish that information to a person representing the United States or another state unless the United States or the other state grants substantially similar privileges to an officer of this state charged with the administration of this chapter.

(4) The department shall on request:"

2. Page 3, line 1.

Strike: "(d)"

Insert: "(a) allow"

3. Page 3, line 5.

Following: "(1);"

Insert: "and"

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4. Page 3, line 6.

Strike: "(e) the delivery of"

Insert: "(b) deliver"

5. Page 3, line 12 through page 4 line 1.

Strike: "; or" on page 3 line 12 through "chapter" on page 4, line 1

6. Page 4, line 2.

Strike: "(4)"

Insert: "(5)"

And, as amended, be concurred in. Report adopted.

**MOTIONS**

Representative Cocchiarella moved HB 316 be taken from the table in the Committee on Human Services and Aging, printed, and placed on second reading this legislative day. Motion failed. (40-57)

**MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/10/93

**SB 100**, introduced by Forrester

**SB 164**, introduced by Harp

**SB 169**, introduced by Beck

**SB 192**, introduced by Waterman

**SB 203**, introduced by Fritz

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer

February 10, 1993

Speaker of the House

State Capitol

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 117 on February 10, 1993.

Sincerely,

MARC RACICOT

Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 591**, introduced by Wallin, referred to Committee on Taxation

**HB 592**, introduced by Grimes (by request of the Department of Health and Environmental Sciences), referred to Committee on Taxation

**HB 593**, introduced by Schye (by request of the Department of Transportation), referred to Committee on Business and Economic Development

**HB 594**, introduced by Larson, referred to Committee on Business and Economic Development

**HB 595**, introduced by Harper, Brandewie (by request of the Department of Fish, Wildlife, and Parks), referred to Committee on Fish and Game

**HB 596**, introduced by Wiseman, referred to Committee on Business and Economic Development

**HB 597**, introduced by Whalen, referred to Committee on Judiciary

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative T. Nelson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 92** - Representative D. Brown moved consideration of HB 92 be passed for the day. Motion carried.

**HB 145** - Representative Cobb moved consideration of HB 145 be passed for the day. Motion carried.

**HB 284** - Representative Bardanouve moved HB 284, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Following: ";

Insert: "PROVIDING FOR AN INCREASED RATE OF INTEREST ON  
LOANS;"

2. Page 5, lines 3 through 5.

Following: " of the" on line 3

Strike: remainder of line 3 through "pool" on line 5

Insert: "earnings on the coal severance tax permanent fund"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon,

Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Clark, Gervais, Russell.

Total 3

Absent or not voting: DeBruycker.

Total 1

Representative Clark present at this time.

Representative Cobb moved HB 284, as amended, do pass. Motion failed as follows:

Ayes: Bachini, Benedict, Clark, Cobb, Daily, Davis, Dolezal, Driscoll, Ellis, Fagg, Foster, Galvin, Gilbert, Grady, Grimes, H.S. Hanson, Harrington, Hayne, Kasten, Knox, Mason, McCarthy, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Smith, Spring, Stanford, Tash, Tunby, Tuss, Wallin, Wyatt, Zook.

Total 46

Noes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cocchiarella, DeBruycker, Dowell, Elliott, Endy, Ewer, Feland, Fisher, Grinde, Hansen, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, McCaffree, McCulloch, Mills, Raney, Ream, Rehbein, J. Rice, Schwinden, Simon, Simpkins, Squires, Stovall, Swanson, Toole, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.

Total 51

Voted Absentee: Russell, Aye.

Excused: Gervais.

Total 1

Absent or not voting: Brown, Strizich.

Total 2

**HB 324** - Representative Stovall moved consideration of HB 324 be placed at the bottom of the second reading board. Motion carried.

**HB 301** - Representative Wyatt moved HB 301, second reading copy, be amended as follows (amendment #1):

1. Title, lines 4 and 5.

Following: "ACT"

Strike: remainder of line 4



Insert: "ESTABLISHING A"

Following: "PENALTY"

Insert: ", NOT TO EXCEED \$1,000 PER DAY PER VIOLATION OR 6 MONTHS' IMPRISONMENT,"

2. Title, line 6.

Following: "ORDINANCE"

Strike: "FROM \$500 TO \$1,000"

Insert: "RELATING TO LOCAL OR FEDERAL PRETREATMENT STANDARDS"

3. Page 1, line 11.

Following: "ordinance."

Strike: "A"

Insert: "(1) Except as provided in subsection (2), a"

4. Page 1, line 13.

Following: "~~\$500~~"

Strike: "\$1,000"

Insert: "\$500"

5. Page 1, line 15.

Following: line 14

Insert: "(2) A local government may fix penalties for the violation of an ordinance relating to local or federal pretreatment standards if the penalties do not exceed \$1,000 per day for each violation or 6 months' imprisonment, or both."

6. Page 1, line 17.

Following: "ordinances."

Strike: "The"

Insert: "(1) Except as provided in subsection (2), the"

7. Page 1, line 19.

Following: "~~\$500~~"

Strike: "\$1,000"

Insert: "\$500"

8. Page 1, line 21.

Following: line 20

Insert: "(2) The city or town council may impose fines and penalties for violation of an ordinance relating to local or federal pretreatment standards if the penalties do not exceed \$1,000 per day for each violation or 6 months' imprisonment, or both."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson,

Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Cobb, DeBruycker, Rehbein, Rose, Sayles.

Total 5

Excused: Gervais, Russell.

Total 2

Absent or not voting: Benedict.

Total 1

Representative Wyatt moved HB 301, as amended, do pass. Motion carried as follows:

Ayes: Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Anderson, Bergsagel, Cobb, DeBruycker, Feland, Kasten, Rehbein, Wagner.

Total 8

Voted Absentee: Russell, Aye.

Excused: Gervais.

Total 1

Absent or not voting: None.

Total 0

**HB 222** - Representative Stanford moved HB 222 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson,

Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 80

Noes: Bergsagel, Boharski, DeBruycker, Driscoll, Feland, Fisher, Grinde, M. Hanson, Hayne, Herron, Kasten, McCaffree, L. Nelson, Orr, Peck, Peterson, Spring, Toole, Vogel.  
Total 19

Voted Absentee: Russell, Aye.

Excused: Gervais.  
Total 1

Absent or not voting: None.  
Total 0

**HB 293** - Representative McCarthy moved HB 293 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel, Driscoll, Feland, Peck.  
Total 4

Voted Absentee: Russell, Aye.

Excused: Gervais.  
Total 1

Absent or not voting: None.  
Total 0

**HB 330** - Representative Bird moved HB 330 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown,

Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 92

Noes: DeBruycker, McCulloch, Molnar, Peck, Spring, Zook.

Total 6

Voted Absentee: Russell, Aye.

Excused: Gervais.

Total 1

Absent or not voting: Harrington.

Total 1

**HB 363** - Representative J. Rice moved HB 363 do pass. Motion carried as follows:

Ayes: Anderson, Benedict, Bergman, Bird, Brooke, Brown, Clark, Daily, Dolezal, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Whalen, Wiseman, Mr. Speaker.

Total 65

Noes: Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brandewie, Cobb, Cocchiarella, Davis, DeBruycker, Dowell, Driscoll, Elliott, Feland, Fisher, Gilbert, R. Johnson, Kasten, Larson, Menahan, Molnar, Peck, Rehbein, Schwinden, Simon, Simpkins, Vogel, Wallin, Wanzenried, Winslow, Wyatt, Zook.

Total 34

Voted Absentee: Russell, Aye.

Excused: Gervais.

Total 1

Absent or not voting: None.

Total 0



Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman T. Nelson moved the adoption of the committee report.

Representative Cobb made a substitute motion HB 284 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried. (88-8)

### **MOTIONS**

Representative Cobb moved HB 284 be taken from the Committee on Education and Cultural Resources and rereferred to the Committee on Appropriations. Motion carried.

Representative Grady moved HB 363 be taken from second reading and rereferred to the Committee on Appropriations. Motion failed. (48-48)

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:30 p.m., Friday, February 12, 1993. Motion carried.

House adjourned at 3:21 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
February 12, 1993

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Representative DeBruycker. Pledge of Allegiance to the Flag.

Roll call. All members present except Cocchiarella, McCulloch, Ream, J. Rice, S. Rice, Russell, Strizich, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/12/93  
Correctly printed for second reading: HB 73, HB 94, HB 236, HB 259,  
HB 290, HB 315, HB 357, HB 383, HB 390, HB 405, HB 413,  
HB 441, HB 445.  
Correctly engrossed for third reading: HB 222, HB 293, HB 301, HB 330,  
HB 363.  
Signed by the Speaker at 3:30 p.m., 2/11/93: HB 108, HB 109, HB 116,  
HB 120, SB 90.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):  
2/11/93

**HB 394**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.  
Strike: "CREATING A SCIENCE AND TECHNOLOGY ADVISORY COUNCIL;"
2. Page 1, line 13 through page 2, line 14.  
Strike: section 1 in its entirety  
Renumber: subsequent sections
3. Page 7, line 2.  
Strike: "\$5.1"  
Insert: "\$8.1"
4. Page 17, line 8.  
Following: line 7  
Insert: "(3) The agreement between the board and the commissioner of higher education on the payback of a research and development project loan must guarantee a minimum annual payback of \$250,000, commencing on June 30, 1994."
5. Page 18, lines 6 through 9.  
Strike: old section 10 in its entirety  
Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 464**, introduced bill, be amended as follows:

1. Page 5, line 13.  
Following: "to"  
Strike: "the public"  
Insert: "any person"

2. Page 5, line 14.

Following: "the"

Insert: "financial planner or other"

3. Page 7, line 2.

Strike: "A"

Insert: "Investment adviser representative does not include a"

4. Page 7, line 3.

Strike: "who performs"

Insert: "whose performance of the"

5. Page 7, lines 3 and 4.

Strike: "shall also register as an"

Insert: "is solely incidental to the conduct of business as a salesperson and for which the salesperson does not receive special compensation other than fees relating to the solicitation or offering of investment advisory services of a registered"

6. Page 7, line 4.

Following: "adviser"

Strike: "representative"

7. Page 21, line 9.

Following: "adviser"

Insert: "representative"

And, as amended, do pass. Report adopted.

**HB 513**, introduced bill, be amended as follows:

1. Title, lines 5 through 7.

Following: second "AN ACT" on line 5

Strike: remainder of line 5 through "BY" on line 7

Insert: "REQUIRING"

2. Title, line 7.

Following: "AUDITOR"

Insert: ", "

Following: "COMMISSIONER"

Insert: ", TO ENSURE THAT THE INTERESTS OF INSURANCE CONSUMERS ARE PROTECTED"

3. Title, line 8.

Strike: "2-15-1902, 33-1-202,"

Following: "33-1-303"

Strike: ", "

4. Page 1, line 12, through page 2, line 16.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

5. Page 3, line 11.



Strike: "may"

Insert: "shall"

6. Page 4, line 20.

Strike: "division"

Insert: "department"

And, as amended, do pass. Report adopted.

**SB 161**, third reading copy, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

2/11/93

**HB 473**, introduced bill, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):

2/11/93

**HB 233**, introduced bill, do pass. Report adopted.

**SB 198**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman):

2/12/93

**HB 344**, introduced bill, be amended as follows:

1. Page 14, line 17.

Following: "authority"

Strike: "or" through "governing"

Insert: ", which rules must be approved by the local governing body, for"

And, as amended, do pass. Report adopted.

**HB 375**, introduced bill, be amended as follows:

1. Page 3, following line 14.

Insert: "(7) Nothing contained in this section may be construed to limit existing covenants or the ability to enter into covenants pursuant to Title 70, chapter 17, part 2."

And, as amended, do pass. Report adopted.

**HB 372**, introduced bill, do pass. Report adopted.

**HB 414**, introduced bill, do pass. Report adopted.

**HB 481**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/9/93

**HB 365**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Following: "USES;" on line 7

Strike: "NULLIFYING" on line 7 through "BASIN;" on line 8

2. Page 1, line 13.

Strike: "through 3"

Insert: "and 2"

3. Page 2, line 22 through page 3, line 3.

Strike: Section 3 in its entirety

Renumber: subsequent sections

4. Page 3, lines 5 and 8.

Strike: "through 3"

Insert: "and 2"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/11/93

**HB 431**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Strike: "THE" on line 6 through "TAXES" on line 7

Insert: "EMPLOYER AND EMPLOYEE CONTRIBUTIONS"

2. Title, line 8.

Strike: "19-9-702"

Insert: "19-9-601, 19-9-703"

3. Page 1, line 13 through page 2 line 6.

Strike: Section 1 in its entirety

Insert: "Section 1. Section 19-9-601, MCA, is amended to read:

"19-9-601. Member contributions. (1) The normal contribution of each active member is ~~6%~~ 6.13% of ~~his~~ the member's monthly compensation. In the case of a member first employed by an employer as a police officer after June 30, 1975, the contribution is ~~7.2%~~ 7.33% of ~~his~~ the member's monthly compensation. In the case of a member first employed by an employer as a police officer after June 30, 1979, the contribution is ~~8.7%~~ 8.83% of ~~his~~ the member's monthly compensation. Compensation excludes overtime payments, holiday payments, shift differential payments, compensation time payments, and payments in lieu of sick leave and annual leave, for ~~his~~ services as a police officer.

(2) Each employer, pursuant to section 414(h)(2) of the federal Internal Revenue Code of 1954, as amended and applicable on July 1, 1985, shall pick up and pay the contributions which would be payable by the member under subsection (1) for service rendered after June 30, 1985.

(3) The member's contributions picked up by the employer must be designated for all purposes of the retirement system as the member's contributions, except for the determination of a tax upon a distribution from the retirement system. These contributions must become part of the member's accumulated contributions but must be accounted for separately from those previously accumulated.

(4) The member's contributions picked up by the employer must be payable from the same source as is used to pay compensation to the member and must be included in the member's wages as defined in 19-1-102 and ~~his~~ the member's

monthly compensation as defined in 19-9-104. The employer shall deduct from the member's compensation an amount equal to the amount of the member's contributions picked up by the employer and remit the total of the contributions to the board."

Section 2. Section 19-9-703, MCA, is amended to read:

"19-9-703. Employer contribution. Each employer shall make its contribution on behalf of members through the city treasurer or other appropriate official out of ~~moneys~~ money available to the city for such purpose. The employer's contribution, which must be paid monthly to the administrator, is:

(1) ~~14.04% of the total monthly compensation paid to all active members during the preceding month before July 1, 1985;~~

(2) ~~13.02% of the total monthly compensation paid to all active members during the preceding month from July 1, 1985, through June 30, 1991; and~~

(3) ~~13.92%~~ 14.05% of the total monthly compensation paid to all active members during the preceding month after July 1, 1991 1993."

Renumber: subsequent sections

4. Page 4, line 15 through page 5, line 10.

Strike: the second "and" on page 4, line 15 through "1993." on page 5, line 10

Insert: ", then the employee contributions shown in [section 1 of this act], amending 19-9-601, must be increased by 0.31% and the employer contribution shown in [section 2 of this act], amending 19-9-703, must be increased by 0.31%."

5. Page 5, line 12.

Strike: "2"

Insert: "3"

And, as amended, do pass. Report adopted.

TAXATION (Gilbert, Chairman):

2/11/93

**HB 490**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "MONTANA;"

Insert: "DEFINING 'IMPORTER';"

Following: "SECTIONS"

Insert: "15-70-201,"

2. Page 1.

Following: line 10

Insert: "Section 1. Section 15-70-201, MCA, is amended to read:

"15-70-201. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Agricultural use" means use of gasoline by a person whose major endeavor and primary source of earned income is from the business of farming or ranching.

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(2) "Aviation dealer" means any person in this state engaged in the business of selling aviation gasoline, either from a wholesale or retail outlet, on which the license tax has been paid to a licensed distributor as herein provided for.

(3) "Aviation gasoline" means gasoline or any other liquid fuel by whatsoever name such liquid fuel may be known or sold, compounded for use in and sold for use in aircraft, including but not limited to any and all such gasoline or liquid fuel meeting or exceeding the minimum specifications prescribed by the United States for use by its military forces in aircraft.

(4) "Bulk delivery" means placing gasoline in storage or containers. The term does not mean gasoline delivered into the supply tank of a motor vehicle.

(5) (a) Gasoline refined, produced, manufactured, or compounded in this state and placed in tanks thereat or gasoline transferred from a refinery or pipeline terminal in this state and placed in tanks thereat or gasoline imported into this state and placed in storage at refineries or pipeline terminals shall be deemed to be "distributed", for the purpose of this part, at the time the gasoline is withdrawn from such tanks, refinery, or terminal storage for sale or use in this state or for the transportation to destinations in this state other than by pipeline to another refinery or pipeline terminal in this state. When withdrawn from such tanks, refinery, or terminal, such gasoline may be distributed only by a person who is the holder of a valid distributor's license.

(b) Gasoline imported into this state, other than that gasoline placed in storage at refineries or pipeline terminals, shall be deemed to be "distributed" after it has arrived in and is brought to rest in this state.

(6) "Distributor" means:

(a) any person who engages in the business in this state of producing, refining, manufacturing, or compounding gasoline for sale, use, or distribution;

(b) any person who imports gasoline for sale, use, or distribution;

(c) any person who engages in the wholesale distribution of gasoline in this state and chooses to become licensed to assume the Montana state gasoline tax liability;

(d) any exporter as defined in subsection (8);

(e) any dealer licensed as of January 1, 1969, except a dealer at an established airport;

(f) any person in Montana who blends alcohol with gasoline.

(7) "Export" means to transport out of Montana, by any means other than in the fuel supply tank of a motor vehicle, gasoline received from a refinery or pipeline terminal within Montana.

(8) "Exporter" means any person who transports, other than in the fuel supply tank of a motor vehicle, gasoline received from a refinery or pipeline terminal in Montana to a destination outside Montana for sale, use, or consumption beyond the boundaries of this state.



(9) "Gasoline" includes all products commonly or commercially known or sold as gasolines, including casinghead gasoline, natural gasoline, aviation gasoline, and all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating internal combustion engines. Gasoline does not include special fuels as defined in 15-70-301.

(10) "Import" includes and means to receive into any person's possession or custody first after its arrival and coming to rest at destination within the state of any gasoline shipped or transported into this state from point of origin without this state other than in the fuel supply tank of a motor vehicle.

(11) "Importer" means a person who transports or arranges for the transportation of gasoline into Montana for sale, use, or distribution in this state.

~~(11)~~(12) "Motor vehicle" means all vehicles operated or propelled upon the public highways or streets of this state in whole or in part by the combustion of gasoline.

~~(12)~~(13) "Person" means any person, firm, association, joint-stock company, syndicate, or corporation.

~~(13)~~(14) "Use" includes and means the operation of motor vehicles upon the public roads or highways of the state or of any political subdivision thereof."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**SB 175**, third reading copy, be concurred in. Report adopted.

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 2/11/93

**HB 41**, introduced by Davis

**HB 101**, introduced by Kadas

**HB 103**, introduced by Swanson

**HB 119**, introduced by M. Hanson

**HB 165**, introduced by Larson

**HB 182**, introduced by Bachini

**HB 194**, introduced by Tuss

**HB 224**, introduced by Schwinden

House bill not concurred in and returned to the House: 2/10/93

**HB 162**, introduced by Gervais

Senate bills passed and transmitted to the House for concurrence:

2/11/93

**SB 94**, introduced by Keating

**SB 199**, introduced by Bianchi

**SB 213**, introduced by Pipinich

**SB 214**, introduced by Weldon

**SB 252**, introduced by Hertel

**SB 306**, introduced by Hertel

House amendments to Senate bill concurred in:

2/11/93

**SB 12**, introduced by Gage

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 12, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 88 on February 12, 1993.

Sincerely,

MARC RACICOT  
Governor

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 598**, introduced by Pavlovich, Menahan, referred to Committee on Judiciary

**HB 599**, introduced by Grimes, Gage, Vogel, Pavlovich, Grady, Bruski-Maus, Beck, referred to Committee on Natural Resources

**HB 600**, introduced by Tuss, Franklin, Strizich, Davis, Blaylock, referred to Committee on Business and Economic Development

**HB 601**, introduced by Schye, referred to Committee on State Administration

**HB 602**, introduced by Boharski, Toews, Brandewie, Vogel, Gilbert, Hansen, Larson, Knox, Simon, Pavlovich, Fagg, referred to Committee on Judiciary

**HB 603**, introduced by Herron, Grinde, J. Rice, Harp, Bergman, Smith, Brandewie, referred to Committee on Judiciary

**HB 604**, introduced by R. Johnson, Wanzenried, referred to Select Committee on Workers' Compensation

**HB 605**, introduced by Cocchiarella, Menahan, Franklin, Driscoll, Bianchi, Pipinich, Lynch, Jacobson, Bartlett, Waterman, Forrester, Fritz, Quilici, Larson, Galvin, Harrington, S. Rice, McCulloch, McClerman, Wilson, Harper, Yellowtail, Pavlovich, Wyatt, Strizich, D. Brown, Ryan, Daily, J. Rice, Schwinden, Whalen, Wanzenried, referred to Committee on Appropriations

**HB 606**, introduced by Ellis, referred to Committee on Highways and Transportation

**HB 607**, introduced by Elliott, Mercer, Stang, Harding, referred to Committee on Fish and Game

**HB 608**, introduced by Bergsagel, J. Rice, Peck, Bachini, Grinde, B. Brown, Hockett, Swysgood, Harp, Boharski, Weeding (by request of the Department

of Natural Resources and Conservation), referred to Committee on Appropriations

**HB 609**, introduced by Wanzenried, Harp, J. Rice, Gage, R. Johnson, Van Valkenburg, Halligan (by request of the Department of Revenue and the Department of Justice), referred to Committee on Appropriations

**HB 610**, introduced by Whalen, referred to Committee on Judiciary

**HJR 17**, introduced by Smith, referred to Committee on State Administration

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bird in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 92** - Representative Tunby moved HB 92 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Davis, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mills, Molnar, L. Nelson, T. Nelson, Orr, Rehbein, S. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Bachini, Bardanouve, Barnhart, Brooke, Brown, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, M. Hanson, Harper, Harrington, Hayne, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peterson, Quilici, Raney, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Winslow, Wyatt.

Total 44

Voted Absentee: S. Rice, Aye; Cocchiarella, McCulloch, Russell, Strizich, Noes.

Excused: Ream, J. Rice.

Total 2

Absent or not voting: Peck.

Total 1

**HB 145** - Representative Grinde moved consideration of HB 145 be placed below HB 384 on the second reading board. Motion carried.

**HB 324** - Representative Stovall moved HB 324 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Russell, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 59

Noes: Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Harper, Harrington, Hibbard, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen.

Total 40

Voted Absentee: Russell, Aye; Cocchiarella, McCulloch, Ream, S. Rice, Strizich, Noes.

Excused: J. Rice.

Total 1

Absent or not voting: None.

Total 0

**HB 371** - Representative L. Nelson moved HB 371 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Gervais.

Total 2

Voted Absentee: Cocchiarella, McCulloch, S. Rice, Russell, Strizich, Ayes.

Excused: Ream, J. Rice.

Total 2

Absent or not voting: Mills.

Total 1



**HB 424** - Representative Spring moved HB 424 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bardanouve.

Total 1

Voted Absentee: Cocchiarella, McCulloch, S. Rice, Russell, Strizich, Ayes.

Excused: Ream, J. Rice.

Total 2

Absent or not voting: Gilbert, Stovall.

Total 2

**HB 435** - Representative Sayles moved HB 435 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bardanouve, Brooke, Peck.

Total 3

Voted Absentee: McCulloch, Ream, S. Rice, Russell, Strizich, Ayes.

Excused: Cocchiarella, J. Rice.

Total 2

Absent or not voting: Molnar.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Bird moved the adoption of the committee report. Report adopted. (83-6)

### **SPECIAL ORDERS OF THE DAY**

Mr. Speaker appointed Representatives Grinde and Schye to escort President Abraham Lincoln into the Chamber. President Lincoln (Senator Fritz posing as Lincoln) then gave the Gettysburg Address and other comments to the members. President Lincoln acknowledged the Carroll College Drama Department for its assistance.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, February 13, 1993. Motion carried.

House adjourned at 2:07 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
February 13, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Galvin. Sarah Calentine, one of this week's pages, sang the National Anthem. Pledge of Allegiance to the Flag.

Roll call. All members present except Cocchiarella, Russell, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the thirty-third legislative day, find the same to be correct.

Harriet Hayne, Chairman

Mr. Speaker introduced this week's pages:

Julian R. Weber, Polson (permanent page)  
Suzanne Bridgeford, Great Falls  
Kara McCollum, Lewistown  
Lucas Jackson, Missoula  
Michelle Padgett, Ft. Peck  
Yvotte Blomquist, Dillon  
Sarah Calentine, St. Regis  
Amy Szudera, Havre  
Carrie Vaira, Lambert

### Honorary Pages

Casie Sigouin, Helena  
Melissa Hoppe, St. Ignatius

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/13/93  
Correctly printed for second reading: HB 344, HB 372, HB 375, HB 414,  
HB 417, HB 423.  
Correctly engrossed for third reading: HB 92, HB 324, HB 371, HB 424,  
HB 435, HB 481.  
Examined by the sponsor and found to be correct:  
HB 130 - Wiseman

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 2/12/93  
**HB 366**, introduced bill, do pass. Report adopted.  
**SB 188**, third reading copy, be concurred in. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 2/12/93  
**HB 216**, introduced bill, be amended as follows:

1. Title, lines 4 through 9.  
Following: "REVISING" on line 4  
Strike: remainder of line 4 through "REMOVING" on line 9

2. Title, line 11.

Strike: "SECTION 30-14-804, MCA, AND"

3. Page 1, line 15, through page 4, line 2.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 4, line 5.

Following: "~~termination~~"

Insert: "--- termination"

5. Page 4, line 7.

Following: "1993"

Insert: "and terminates July 1, 1995"

And, as amended, do pass. Report adopted.

**HB 493**, introduced bill, do pass. Report adopted.

**HB 509**, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "CREMATED OR"

Strike: "OTHER"

Insert: "ANY"

2. Page 1, line 13.

Following: "."

Insert: "(1)"

3. Page 1, lines 15 and 16.

Strike: "through cremation or other"

Insert: "by any"

4. Page 1, line 19.

Following: line 18

Insert: "(2) As used in this section, "prearranged funeral plan" means a plan:

(a) for the final disposition of a person's remains; and

(b) that has been funded in advance of the death of the person leaving instructions for the disposition of that person's remains."

5. Page 3, line 14.

Strike: "cremation"

Insert: "disposition"

6. Page 3, line 17.

Following: " "

Insert: "the disposition of"

Following: "that"

Strike: "that"

Strike: "be cremated"



And, as amended, do pass. Report adopted.

**HJR 14**, introduced bill, be amended as follows:

1. Title, lines 6 and 10.

Strike: "DEPARTMENT OF LABOR AND INDUSTRY"

Insert: "COMMISSIONER OF INSURANCE"

2. Page 2, line 25 through page 3, line 1.

Page 3, line 8.

Strike: "Department of Labor and Industry"

Insert: "Commissioner of Insurance"

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (T. Nelson, Chairman): 2/12/93

**HB 208**, introduced bill, be amended as follows:

1. Page 2, line 2.

Following: "~~department~~"

Insert: "in accordance with rules adopted by the department"

2. Page 2, line 12.

Following: "~~department,~~"

Insert: ", in accordance with rules adopted by the department,"

3. Page 4, line 10.

Following: line 9

Insert: "NEW SECTION. Section 3. Saving clause. The department of labor and industry may require an employer, without concurrence of the Montana self-insurers guaranty fund, to give security in addition to the requirements described in 39-71-2105 and 39-71-2106 for workers' compensation liabilities that the employer accrued prior to July 1, 1989."

And, as amended, do pass. Report adopted.

**HB 287**, introduced bill, be amended as follows:

1. Title, page 1, lines 17 through 21.

Following: ";" on line 17

Strike: remainder of line 17 through "FUND;" on line 21

2. Title, page 2, lines 13 and 14.

Strike: "THE" on line 13 through "ADJUSTERS" on line 14

Insert: "SPECIFIC CLAIMS EXPENDITURES CODES"

3. Title, page 2, line 16.

Strike: "39-71-504, 39-71-505,"

4. Title, page 2, line 18.

Following: ";"

Strike: "AND"

5. Title, page 2, line 19.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

6. Page 9, line 10.

Strike: "prior"

7. Page 13, line 21.

Strike: "and"

8. Page 13, line 24.

Strike: "be or"

Insert: "the public that the person"

9. Page 13, line 25.

Strike: "considered"

10. Page 14, line 3.

Strike: "a personal"

Insert: "an"

11. Page 17, line 11.

Page 22, line 25.

Strike: "administration and"

12. Page 17, line 14 through page 19, line 23.

Strike: Sections 6 and 7 in their entirety

Renumber: subsequent sections

13. Page 23, line 7.

Strike: "in"

Strike: "employment"

Insert: "to employ"

14. Page 24, lines 1 and 2.

Strike: "used" on line 1 through "deposit" on line 2

15. Page 24, lines 18 and 19.

Strike: "is" on line 18 through "or" on line 19

16. Page 24, line 20.

Strike: "required"

Insert: "expected"

17. Page 24, line 21.

Strike: "fiscal"

18. Page 25, lines 7 through 10.

Following: "department" on line 7

Strike: the remainder of line 7 through "year" on line 10

19. Page 25, line 12.

Strike: "or undertaking"

20. Page 25, lines 13 and 14.

Following: "with" on line 13

Strike: "two" on line 13 through "sureties" on line 14

Insert: "a surety"

21. Page 25, line 17.

Strike: "fiscal"

Strike: "or"

22. Page 25, line 21.

Following: "solvent"

Insert: "; or

(iii) other security deposits allowed in subsection (1)(a)"

23. Page 31, line 22.

Strike: "policy"

Insert: "last approval"

24. Page 32, line 24.

Following: "in"

Insert: "Title 39, chapter 71,"

Following: "24"

Insert: ", "

Strike: "of this chapter"

25. Page 35, line 16 through page 36, line 5.

Strike: Section 22 in its entirety

Renumber: subsequent sections

26. Page 36, line 6.

Following: line 5

Insert: "NEW SECTION. Section 20. Specific claims expenditures codes. The state fund shall account for different kinds of claims and administrative expenses separately. Payments made to claimants and their designated health care providers must be accounted for separately from payments to providers and vendors of services hired by the state fund. The state fund shall specifically account for the following costs separately:

(1) payments to health care providers for independent medical evaluations or other services provided at the request of the state fund;

(2) payments to medical panels;

(3) payments to rehabilitation providers for services performed at the request of the state fund;

(4) payments made for retraining or on-the-job training programs and other rehabilitation payments made to injured workers;

(5) payments made in-house or for contracted legal counsel; and

(6) payments to private investigators and other service providers made in connection with fraud investigation."

Renumber: subsequent sections

27. Page 36, line 9.

Page 36, line 11.

Following: "Sections" or "sections"

Strike: "21 and 22"

Insert: "19 and 20"

28. Page 36, line 12.

Following: line 11

Insert: "NEW SECTION. Section 23. Effective date. [This act] is effective  
July 1, 1993."

And, as amended, do pass. Report adopted.

**HB 472**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "EXCLUDING"

Strike: "A"

Insert: "CERTAIN"

2. Title, line 5.

Strike: "EMPLOYEE"

Insert: "EMPLOYEES"

3. Title, lines 9 and 10.

Following: line 8

Insert: "AND"

Following: "MCA"

Strike: the remainder of line 9 through "DATE" on line 10

4. Page 7, line 22.

Following: "establishment"

Insert: "who is not under direct supervision of the employer and is free to  
set the employee's own time schedule,"

5. Page 8, lines 1 and 2.

Strike: Section 2 in its entirety

And, as amended, do pass. Report adopted.

**HB 526**, introduced bill, be amended as follows:

1. Page 7, line 7.

Following: "programs"

Insert: "information necessary to identify a taxpayer as an employee, as an  
independent contractor, or as self-employed"

And, as amended, do pass. Report adopted.

**SB 33**, third reading copy, be concurred in and be placed on the consent  
calendar. Report adopted.



NATURAL RESOURCES (Knox, Chairman):

2/11/93

**HB 417**, introduced bill, be amended as follows:

1. Title, lines 12 and 13.

Following: "THE" on line 12

Strike: "DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES'  
UNDERGROUND STORAGE TANK SPECIAL REVENUE ACCOUNT"

Insert: "STATE GENERAL FUND;"

2. Title, line 14.

Strike: "AND"

Insert: "PROVIDING"

Following: "FROM"

Strike: "THAT"

Insert: "THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL  
SCIENCES' UNDERGROUND STORAGE TANK SPECIAL REVENUE"

3. Title, line 16.

Strike: "75-10-417,"

4. Page 8, line 6, through page 9, line 3.

Strike: section 3 in its entirety

Renumber: subsequent sections

5. Page 9, line 25.

Following: "of"

Strike: "mailing"

Insert: "receipt"

6. Page 12, lines 2 and 3.

Following: "the" on line 2

Strike: "underground storage tank special revenue account established in  
75-10-477"

Insert: "state general fund"

7. Page 12, line 10.

Following: "~~and~~"

Insert: "and"

8. Page 12, lines 13 through 16.

Following: "amended" on line 13

Strike: "; and

(c) civil penalties collected for underground storage tank  
violations under 75-10-417 and administrative penalties collected  
under [section 4]"

9. Page 2, line 10.

Page 5, line 7.

Page 7, line 12.

Page 13, lines 1, 3, and 7.

Strike: "4" or "4"

Insert: "3"

And, as amended, do pass. Report adopted.

**HB 423**, introduced bill, do pass. Report adopted.

Adverse Committee Report

**HB 420**, do not pass.

### MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 2/12/93

**HB 170**, introduced by Gilbert

Senate bills passed and transmitted to the House for concurrence: 2/12/93

**SB 172**, introduced by Devlin

**SB 189**, introduced by Doherty

**SB 215**, introduced by Van Valkenburg

**SB 223**, introduced by Bartlett

**SB 249**, introduced by Yellowtail

**SB 256**, introduced by Swysgood

**SB 258**, introduced by Harp

**SB 259**, introduced by Harp

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 611**, introduced by Wiseman, referred to Committee on Business and Economic Development

**HB 612**, introduced by Dolezal, referred to Committee on Business and Economic Development

**HB 613**, introduced by Ewer, referred to Committee on Local Government

**HB 614**, introduced by Boharski, Cobb, Peterson, Kasten, referred to Committee on Human Services and Aging

**HB 615**, introduced by Ewer, Lynch, Driscoll, Pipinich, Harrington, Ream, Barnhart, Schye, Daily, Squires, Bohlinger, Doherty, Vaughn, Hibbard, Fritz, Van Valkenburg, Raney, J. Rice, Bartlett, Harper, Jacobson, Wilson, Weldon, Beck, Yellowtail, Jergeson, McClerman, referred to Committee on State Administration

**HB 616**, introduced by Driscoll, Forrester, referred to Committee on Taxation

**HB 617**, introduced by Grady, Hockett, Beek, Driscoll, referred to Committee on Labor and Employment Relations

**HB 618**, introduced by Dolezal, referred to Committee on Appropriations

**HB 619**, introduced by Whalen, referred to Committee on Human Services and Aging

**HB 620**, introduced by Whalen, referred to Committee on Judiciary

**HB 621**, introduced by Elliott, referred to Committee on Labor and Employment Relations

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Boharski in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 145** - Representative Wyatt moved HB 145, second reading copy, be amended as follows (amendment #1):

1. Title, page 2, line 2.

Following: "ا."

Insert: "PROVIDING AN APPROPRIATION FOR THE EXPANSION OF THE MIAMI PROJECT;"

2. Page 12, line 7.

Following: line 6

Insert: "(4) If Senate Bill No. 285 is passed and approved, there is appropriated from the general fund to the department of health and environmental sciences \$264,590 to be used to expand the services provided by the MIAMI project established in 50-19-311."

Amendment #1 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Grady, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt.

Total 63

Noes: Anderson, Barnett, Bergman, Brandewie, Clark, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Keller, Knox, Mason, Mills, Molnar, Peterson, Rehbein, Rose, Simpkins, Smith, Spring, Stovall, Wagner, Wiseman, Zook, Mr. Speaker.

Total 35

Voted Absentee: Russell, Aye.

Excused: Cocchiarella.

Total 1

Absent or not voting: Benedict.

Total 1

Representative Cobb moved HB 145, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: DeBruycker.

Total 1

Voted Absentee: Cocchiarella, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 449** - Representative Brooke moved HB 449, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (13-83)

Representative Gilbert moved HB 449, second reading copy, be amended by segregating amendment #1. Segregated amendment #1 failed as follows: (14-83)

Representative Brooke moved HB 449 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 96



Noes: DeBruycker, Peck, Zook.  
Total 3

Voted Absentee: Cocchiarella, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: R. Johnson.  
Total 1

**HB 329** - Representative Brooke moved HB 329 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Anderson, Bergsagel, Brandewie, Brown, Clark, Cobb, DeBruycker, Foster, Grinde, Herron, Peterson, Rehbein, Spring, Vogel.  
Total 14

Voted Absentee: Cocchiarella, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 349** - Representative Ryan moved HB 349 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fisher, Foster, Galvin, Gervais, Gilbert, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, J. Johnson, Kadas, Keller, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 73

Noes: Anderson, Benedict, Bergman, Boharski, Brandewie, Cobb, Ewer, Fagg, Feland, Grady, Grimes, H.S. Hanson, Hayne, Hibbard, R. Johnson, Kasten, Knox, Mason, Mills, T. Nelson, Orr, Peterson, J. Rice, Wagner, Wallin, Winslow.

Total 26

Voted Absentee: Cocchiarella, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Toole.

Total 1

**HB 384** - Representative Simpkins moved HB 384 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Sayles, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 73

Noes: Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Ewer, Galvin, Harper, Harrington, J. Johnson, McCarthy, McCulloch, Pavlovich, Quilici, S. Rice, Ryan, Schwinden, Schye, Squires, Strizich, Swanson, Tuss, Wanzenried, Whalen, Wyatt.

Total 27

Voted Absentee: Russell, Aye; Cocchiarella, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 396** - Representative Whalen moved HB 396 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson,

Tash, Toole, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt,  
Zook, Mr. Speaker.  
Total 75

Noes: Benedict, Bergman, Brandewie, Feland, Grimes, Grinde, H.S.  
Hanson, M. Hanson, Hayne, Herron, Keller, Knox, Mason, Molnar, T.  
Nelson, Orr, Peterson, Rehbein, Rose, Sayles, Smith, Spring, Tunby, Vogel,  
Wagner.  
Total 25

Voted Absentee: Cocchiarella, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 295** - Representative Foster moved HB 295 do pass. Motion carried as  
follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict,  
Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown,  
Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell,  
Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin,  
Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson,  
Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten,  
Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan,  
Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney,  
Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden,  
Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,  
Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried,  
Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Cocchiarella, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: Harrington, Molnar.  
Total 2

**HB 382** - Representative Foster moved HB 382 do pass. Motion carried as  
follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman,  
Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark,  
Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis,  
Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes,

Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: Russell, Aye.

Excused: Cocchiarella.

Total 1

Absent or not voting: Benedict, Gervais, Harper, Molnar.

Total 4

**HB 342** - Representative Strizich moved HB 342 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Fisher.

Total 1

Voted Absentee: Russell, Aye.

Excused: Cocchiarella.

Total 1

Absent or not voting: Cobb, Galvin, Harper.

Total 3

**HB 437** - Representative Harrington moved HB 437 do pass. Motion carried as follows:



Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, DeBruycker, Peck, Rehbein.

Total 4

Voted Absentee: Cocchiarella, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

**HB 442** - Representative Knox moved HB 442 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Russell, Aye.

Excused: Cocchiarella.

Total 1

Absent or not voting: Menahan.

Total 1

**HB 446** - Representative Clark moved HB 446 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Dowell.

Total 1

Voted Absentee: Cocchiarella, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Grady, McCulloch, Strizich.

Total 3

**HB 126** - Representative Kadas moved HB 126 do pass. Motion failed as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bohlinger, Cobb, Davis, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Grimes, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Larson, McCulloch, Peck, Peterson, Raney, S. Rice, Ryan, Sayles, Schwinden, Simpkins, Smith, Spring, Squires, Strizich, Wanzenried, Winslow, Wiseman.

Total 39

Noes: Bachini, Bardanouve, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Daily, DeBruycker, Dolezal, Driscoll, Feland, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Ream, Rehbein, J. Rice, Rose, Russell, Schye, Simon, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Wyatt, Zook, Mr. Speaker.

Total 60

Voted Absentee: Russell, No.

Excused: Cocchiarella.

Total 1

Absent or not voting: None.  
Total 0

Representative Ewer excused at this time.

**HB 263** - Representative Cobb moved HB 263, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (46-52)

Representative Cobb moved HB 263 do not pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 78

Noes: Bird, Brooke, Brown, Daily, Davis, Elliott, Gilbert, Harper, McCaffree, McCarthy, Pavlovich, Peck, Quilici, Schwinden, Smith, Swanson, Wiseman.  
Total 17

Excused: Cocchiarella, Ewer, Russell.  
Total 3

Absent or not voting: Hibbard, Menahan.  
Total 2

**HB 268** - Representative Harper moved HB 268, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 8.  
Following: "area"

Insert: "NEW SECTION. Section 3. Prohibiting fireworks regulation outside city limits. Nothing in [sections 1 through 6] authorizes a city or town to regulate or prohibit the explosion, use, or sale of fireworks, firecrackers, or other pyrotechnics outside the city limits of the city or town."

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose,

Ryan, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 79

Noes: Bergsagel, Bohlinger, Fagg, Gilbert, Hansen, M. Hanson, Kadas, Kasten, McCaffree, T. Nelson, Rehbein, Sayles, Simon, Spring, Vogel, Zook.

Total 16

Excused: Cocchiarella, Ewer, Russell.

Total 3

Absent or not voting: Bardanouve, Wanzenried.

Total 2

Representative Harper moved HB 268, as amended, do pass. Motion failed as follows:

Ayes: Bardanouve, Barnhart, Brooke, Brown, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Galvin, Gervais, Grady, Harper, Harrington, Hibbard, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Swanson, Tuss, Wanzenried, Whalen, Wyatt.

Total 40

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 57

Voted Absentee: Russell, Aye; Ewer, No.

Excused: Cocchiarella.

Total 1

Absent or not voting: Bird, Strizich.

Total 2

**HB 296** - Representative Driscoll moved HB 296 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S.



Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Feland, H.S. Hanson, Hayne, Keller, Mills.  
Total 5

Voted Absentee: Cocchiarella, Ewer, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

**HB 397** - Representative McCulloch moved HB 397 do pass. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Clark, Davis, Dolezal, Dowell, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Peck, Guilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt.  
Total 60

Noes: Bachini, Barnett, Benedict, Boharski, Brandewie, Brown, Cobb, Daily, DeBruycker, Driscoll, Elliott, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, Orr, Pavlovich, Peterson, Rehbein, Simon, Simpkins, Spring, Tash, Wagner, Winslow, Zook, Mr. Speaker.  
Total 38

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.  
Total 1

Absent or not voting: Stovall.  
Total 1

**HJR 12** - Representative Wallin moved HJR 12 do pass. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Brandewie, Brooke, Brown, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Galvin, Gervais, Gilbert, Grady, H.S. Hanson, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills,

L. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Wagner, Wallin, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

Noes: Bachini, Bergsagel, Boharski, Bohlinger, Clark, Dowell, Fisher, Foster, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, R. Johnson, Kasten, Molnar, T. Nelson, Peck, Raney, S. Rice, Sayles, Simon, Tuss, Vogel, Wanzenried, Winslow.

Total 27

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Strizich, Tunby.

Total 2

**HB 94** - Representative Harper moved HB 94 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Cobb, H.S. Hanson, Hayne, L. Nelson, Spring.

Total 6

Voted Absentee: Cocchiarella, Ewer, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Bardanouve, Hibbard, Tash.

Total 3

**HB 236** - Representative Toole moved HB 236 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy,

Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Brown, Hayne, Herron, Peterson, Smith.

Total 5

Voted Absentee: Cocchiarella, Ewer, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Bardanouve, Molnar.

Total 2

**HB 259** - Representative Schwinden moved HB 259 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Cobb, Toole.

Total 2

Voted Absentee: Cocchiarella, Ewer, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 290** - Representative Hibbard moved HB 290 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Benedict, Molnar.

Total 2

**HB 357** - Representative Fagg moved HB 357 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Rehbein.

Total 2

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Ellis, Rose, Spring.

Total 3



**HB 383** - Representative Brandewie moved HB 383 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Brown, Daily, DeBruycker, Ellis, Endy, Fisher, Kasten, McCarthy, Menahan, Molnar, Pavlovich, Quilici, Raney, Rehbein, Whalen.

Total 15

Voted Absentee: Cocchiarella, Ewer, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Bergsagel, Elliott, Grady, Hibbard.

Total 4

**HB 390** - Representative Quilici moved HB 390 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Feland.

Total 1

Voted Absentee: Cocchiarella, Ewer, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Elliott, Strizich, Wagner.

Total 3

**HB 405** - Representative Fisher moved HB 405 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Davis, Kadas, Larson, Ream, Toole.

Total 5

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Strizich.

Total 1

**HB 441** - Representative Rehbein moved HB 441 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.  
Total 1

Absent or not voting: Hansen, Strizich.  
Total 2

**HB 445** - Representative McCulloch moved HB 445 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Bergsagel.  
Total 1

Voted Absentee: Cocchiarella, Ewer, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: Strizich.  
Total 1

**HB 315** - Representative Simon moved HB 315 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Brooke, Clark, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 82

Noes: Bachini, Bergman, Boharski, Bohlinger, Brandewie, Brown, Cobb, Cocchiarella, Dowell, Ream, Smith, Squires, Toole, Tuss, Wallin, Wanzenried, Wyatt.  
Total 17

Voted Absentee: Ewer, Russell, Ayes; Cocchiarella, No.

Excused: None.

Total 0

Absent or not voting: Strizich.

Total 1

Representative Grinde moved the House recess until 12:30 p.m. Motion carried.

House recessed at 11:55 a.m.

House reconvened at 12:30 p.m. Representative Boharski in the Chair.

**HB 233** - Representative Benedict moved HB 233 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Harper.

Total 1

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Daily, DeBruycker, Pavlovich, Rehbein, Strizich.

Total 5

**HB 344** - Representative Brown moved HB 344 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills,



Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Cobb, S. Rice, Strizich.

Total 3

**HB 365** - Representative Rose moved HB 365, second reading copy, be amended as follows (amendment #1):

1. Title, line 8.

Following: "**BASIN;**"

Insert: "NULLIFYING CERTAIN WATER RESERVATIONS IN THE TETON RIVER BASIN;"

2. Page 3, line 4.

Following: LINE 3

Insert: "NEW SECTION. Section 3. Certain reservations of no force and effect. In accordance with the board's reservation order of June 30, 1992, the water reservations granted to various entities have no force and effect in the Teton River basin for the period of time and for any class of uses for which permit applications are precluded under [sections 1 and 2]."

Renumber: subsequent sections

3. Page 3, lines 5 and 8.

Following: "~~through 3~~"

Strike: "AND 2"

Insert: "through 3"

Amendment #1 passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Daily, DeBruycker, Ellis, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Bachini, Bardanouve, Barnhart, Brooke, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Fagg, Gervais, Hansen, Harper, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, Menahan, Quilici, Raney, Ream, S. Rice, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Tuss, Wanzenried, Whalen, Wyatt.

Total 37

Excused: Cocchiarella, Ewer, Russell.

Total 3

Absent or not voting: Cobb.

Total 1

Representative Rose moved HB 365, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, DeBruycker, Driscoll, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Bachini, Bardanouve, Barnhart, Brooke, Davis, Dolezal, Dowell, Elliott, Endy, Gervais, Hansen, Harper, J. Johnson, Kadas, Larson, McCaffree, McCarthy, Molnar, Quilici, Raney, Ream, S. Rice, Schwinden, Schye, Simon, Stanford, Swanson, Tuss, Wanzenried, Whalen, Wyatt.

Total 31

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: None.

Total 0

**HB 394** - Representative Benedict moved HB 394 do pass. Motion carried as follows:

Ayes: Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bohlinger, Brooke, Brown, Clark, Daily, Dolezal, Driscoll, Elliott, Ellis, Feland, Gervais, Grady, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Ream, S. Rice, Rose, Russell, Ryan, Schye, Simon, Simpkins, Smith, Spring, Squires, Swanson, Toole, Vogel, Wagner, Wallin, Whalen, Wiseman, Wyatt.

Total 60

Noes: Anderson, Bardanouve, Bird, Boharski, Brandewie, Cobb, Davis, DeBruycker, Dowell, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grimes, M. Hanson, R. Johnson, Kasten, McCaffree, L. Nelson, Peck, Peterson, Raney, Rehbein, J. Rice, Sayles, Schwinden, Stanford, Stovall, Tash, Tunby, Tuss, Wanzenried, Winslow, Zook, Mr. Speaker.  
Total 38

Voted Absentee: Russell, Aye; Ewer, No.

Excused: Cocchiarella.  
Total 1

Absent or not voting: Strizich.  
Total 1

**HB 414** - Representative Keller moved HB 414 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.  
Total 1

Absent or not voting: Strizich.  
Total 1

**HB 464** - Representative Fisher moved HB 464 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L.

Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Feland.

Total 1

Voted Absentee: Russell, Aye.

Excused: Cocchiarella, Ewer.

Total 2

Absent or not voting: Cobb, Strizich.

Total 2

**HB 473** - Representative Brown moved HB 473 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Fagg, Foster, Galvin, Gervais, Grinde, Harrington, J. Johnson, Kadas, Larson, McCulloch, Menahan, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 58

Noes: Bardanouve, Benedict, Bergsagel, Boharski, Brandewie, DeBruycker, Elliott, Ellis, Ewer, Feland, Fisher, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Mills, Molnar, L. Nelson, Peterson, Rehbein, J. Rice, Simpkins, Spring, Tunby, Tuss, Wagner, Wiseman.

Total 39

Voted Absentee: Russell, Aye; Ewer, No.

Excused: Cocchiarella.

Total 1

Absent or not voting: Cobb, Grady.

Total 2

**HB 490** - Representative Orr moved HB 490 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne,



Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Gervais, L. Nelson, Russell, Ryan.

Total 4

Voted Absentee: Ewer, Aye; Russell, No.

Excused: Cocchiarella.

Total 1

Absent or not voting: Cobb.

Total 1

**HB 513** - Representative Dowell moved HB 513 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grady, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt.

Total 74

Noes: Anderson, Clark, DeBruycker, Feland, Foster, Gilbert, Grinde, H.S. Hanson, Hayne, Kasten, Keller, Molnar, Peterson, Rehbein, Simpkins, Smith, Spring, Tunby, Vogel, Winslow, Zook, Mr. Speaker.

Total 22

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Cobb, M. Hanson, Herron.

Total 3

**HB 372** - Representative S. Rice moved HB 372 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher,

Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Bachini, Bergsagel, Bird, Ewer, Feland, Hayne, Kasten, McCaffree, Molnar, T. Nelson, Peck, Peterson, Rehbein, Rose, Spring, Vogel.

Total 16

Voted Absentee: Russell, Aye; Ewer, No.

Excused: Cocchiarella.

Total 1

Absent or not voting: Cobb, Wyatt.

Total 2

**HB 375** - Representative Brandewie moved HB 375 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Grimes, Wyatt.

Total 2

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Cobb, Sayles.

Total 2

**HB 431** - Representative Strizich moved consideration of HB 431 be passed for the day. Motion carried.

**HB 73** - Representative Harrington moved HB 73 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Tuss, Vogel, Wanzenried, Whalen, Wyatt.  
Total 50

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 48

Voted Absentee: Cocchiarella, Ewer, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: Molnar, Toole.  
Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Boharski moved the adoption of the committee report. Report adopted. (70-14)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 121** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, T. Nelson, Orr, Peck, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Sayles, Simon, Simpkins, Smith, Spring, Stanford, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 63

Noes: Barnhart, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Hansen, Harper, Harrington, J. Johnson, Kadas,

McCaffree, McCulloch, L. Nelson, Pavlovich, Raney, Ream, Russell, Ryan, Schwinden, Schye, Squires, Stovall, Strizich, Toole, Tuss, Whalen, Wyatt.  
Total 32

Voted Absentee: Ewer, Aye; Cocchiarella, Russell, Noes.

Excused: None.

Total 0

Absent or not voting: Bergman, Fagg, Mills, Molnar, Rose.

Total 5

**HB 255** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Bergman, Bird, Brandewie, Brooke, Clark, Cobb, Daily, Davis, Dolezal, Elliott, Ellis, Ewer, Fagg, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Mason, McCulloch, Mills, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 68

Noes: Bachini, Barnhart, Benedict, Bergsagel, Boharski, Bohlinger, Brown, DeBruycker, Dowell, Driscoll, Endy, Feland, Fisher, Galvin, Gervais, Hansen, Knox, Larson, McCaffree, McCarthy, Menahan, Molnar, L. Nelson, Peck, Rehbein, Schwinden, Smith, Stanford, Wagner, Wanzenried.  
Total 30

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Rose.

Total 1

**HB 279** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.



Total 99

Noes: None.

Total 0

Voted Absentee: Cocchiarella, Ewer, Russell, Ayes.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

**HB 288** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Fisher, Mason, McCaffree, Peck, Ryan, Schwinden, Vogel.

Total 7

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Bachini, Bergman, Mills, Molnar, Swanson.

Total 5

**HB 308** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: McCaffree, Peck, Ream, Stanford, Tuss.

Total 5

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Bergman, Molnar.

Total 2

**HB 340** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Harper, Russell.

Total 2

Voted Absentee: Cocchiarella, Ewer, Ayes; Russell, No.

Excused: None.

Total 0

Absent or not voting: Molnar, Wagner.

Total 2

**HB 356** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.  
Total 1

Absent or not voting: Menahan, Molnar.  
Total 2

**HB 367** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.  
Total 1

Absent or not voting: Hayne, Molnar.  
Total 2

**HB 368** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye,

Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.  
Total 1

Absent or not voting: Dowell, Molnar, Tuss, Wagner.  
Total 4

**HB 377** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Cocchiarella, Ewer, Russell, Ayes.

Excused: None.  
Total 0

Absent or not voting: Ellis, Molnar.  
Total 2

**HB 393** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici,



Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Peck.  
Total 1

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.  
Total 1

Absent or not voting: Molnar.  
Total 1

**HB 402** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.  
Total 1

Absent or not voting: Molnar.  
Total 1

**HB 403** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson,

T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Grady, Mason, Molnar.

Total 3

**HB 404** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.

Total 1

Absent or not voting: Molnar.

Total 1

**HB 409** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas,

Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Ewer, Russell, Ayes.

Excused: Cocchiarella.  
Total 1

Absent or not voting: None.  
Total 0

**HB 410** passed as follows:

Ayes: Anderson, Bachini, Barnett, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Daily, Davis, DeBruycker, Driscoll, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Tash, Toole, Tunby, Vogel, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 73

Noes: Bardanouve, Barnhart, Brooke, Cobb, Dolezal, Dowell, Elliott, Ewer, Hansen, Harper, Kadas, Larson, McCulloch, Peck, Raney, Ream, Schwinden, Schye, Strizich, Swanson, Tuss, Wanzenried.  
Total 22

Voted Absentee: Russell, Aye; Ewer, No.

Excused: Cocchiarella.  
Total 1

Absent or not voting: Benedict, Ellis, Wagner, Wyatt.  
Total 4

**HJR 3** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas,

Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bachini, Bergsagel, Boharski, Cobb, Elliott, Fisher, Kasten, McCulloch, Peck, Peterson, Wanzenried.

Total 11

Voted Absentee: Russell, Aye.

Excused: Cocchiarella, Ewer.

Total 2

Absent or not voting: None.

Total 0

**HB 301** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bergsagel, Bird, Cocchiarella, DeBruycker, Feland, Fisher, Gilbert, Grinde, Kasten, Knox, Peterson, Rehbein, Sayles, Spring, Tash, Wagner, Winslow.

Total 17

Voted Absentee: Cocchiarella, No.

Excused: Ewer, Russell.

Total 2

Absent or not voting: None.

Total 0

**HB 222** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper,



Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Anderson, Bergsagel, Boharski, DeBruycker, Feland, Fisher, M. Hanson, Hayne, Kasten, Keller, McCaffree, Molnar, L. Nelson, Orr, Peck, Peterson, Spring, Wanzenried.

Total 18

Voted Absentee: Cocchiarella, Aye.

Excused: Ewer, Russell.

Total 2

Absent or not voting: None.

Total 0

**HB 293** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Feland.

Total 2

Voted Absentee: Cocchiarella, Aye.

Excused: Ewer, Russell.

Total 2

Absent or not voting: None.

Total 0

**HB 330** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy,

Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker.

Total 1

Excused: Cocchiarella, Ewer, Russell.

Total 3

Absent or not voting: Grinde.

Total 1

**HB 363** passed as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Brown, Daily, Dolezal, Driscoll, Ellis, Endy, Fagg, Feland, Galvin, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wiseman, Mr. Speaker.

Total 62

Noes: Bachini, Bardanouve, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dowell, Elliott, Fisher, Foster, Gervais, Gilbert, Grinde, R. Johnson, Kadas, Kasten, Molnar, T. Nelson, Peck, Rehbein, Schwinden, Smith, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook.

Total 36

Voted Absentee: Cocchiarella, No.

Excused: Ewer, Russell.

Total 2

Absent or not voting: None.

Total 0

**SB 61** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M.

Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bachini, Boharski, DeBruycker, Dowell, Elliott, Gilbert, Grinde, Peck, Rehbein.  
Total 9

Voted Absentee: Cocchiarella, Aye.

Excused: Ewer, Russell.  
Total 2

Absent or not voting: None.  
Total 0

**SB 99** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Barnett, Hayne, McCaffree, Wallin.  
Total 4

Voted Absentee: Cocchiarella, Aye.

Excused: Ewer, Russell.  
Total 2

Absent or not voting: H.S. Hanson, Herron, Pavlovich.  
Total 3

**SB 29** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown,

Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Cocchiarella, Aye.

Excused: Ewer, Russell.

Total 2

Absent or not voting: None.

Total 0

**SB 85** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Clark, Feland, Peck, Smith, Whalen.

Total 5

Excused: Cocchiarella, Ewer, Russell.

Total 3

Absent or not voting: None.

Total 0

**SB 185** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark,



Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Kasten, L. Nelson, Raney, Rehbein, Sayles.  
Total 6

Excused: Cocchiarella, Ewer, Russell.  
Total 3

Absent or not voting: Tuss.  
Total 1

### MOTIONS

Representative Brandewie moved HB 487 be taken from the Select Committee on Workers' Compensation and rereferred to the Committee on Judiciary. Motion carried.

Representative Grady moved HB 145 be taken from engrossing and rereferred to the Committee on Appropriations. Motion carried.

Representative Simpkins moved he be allowed to change his vote on HB 363, third reading, from aye to no. Motion carried.

Representative Pavlovich moved HB 548 be taken from the Committee on Judiciary and rereferred to the Committee on Business and Economic Development. Motion carried.

Representative Bergsagel moved SB 138 be taken from second reading and rereferred to the Committee on Education and Cultural Resources. Motion carried.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/13/93  
Correctly printed for second reading: HB 233, HB 365, HB 394, HB 431,  
HB 464, HB 473, HB 490, HB 513.  
Correctly engrossed for third reading: SB 198.  
Correctly enrolled: HB 130, HB 147.  
Examined by the sponsor and found to be correct:  
HB 147 - Ellis

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 622**, introduced by Ewer, Harp, referred to Select Committee on Workers' Compensation

**HB 623**, introduced by Grimes, Orr, Mason, Grinde, Knox, Anderson, Foster, Cobb, Benedict, Grady, Wagner, Tash, Clark, Davis, Rehbein, Swysgood, Rye, Mesaros, Grosfield, Rea, referred to Committee on Human Services and Aging

**HB 624**, introduced by Cobb, Halligan (by request of the Commission for Human Rights), referred to Committee on Judiciary

**HB 625**, introduced by Wyatt, Pavlovich, Pipinich, Gervais, Lynch, Bird, Stanford, Wiseman, Dolezal, Barnhart, Jacobson, Dowell, Galvin, Davis, S. Rice, Harper, McCulloch, Harrington, Ream, Halligan, Forrester, Fritz, Weldon, Weeding, Driscoll, Doherty, Bachini, referred to Committee on State Administration

**HB 626**, introduced by Boharski, Sayles, Feland, Benedict, Spring, Gilbert, Wiseman, Ellis, Molnar, Simon, Bohlinger, Tash, M. Hanson, Rehbein, DeBruycker, Peterson, Grinde, Grimes, Knox, Winslow, H. S. Hanson, Clark, Kasten, Fisher, Brandewie, Stovall, Mills, Barnett, Hayne, Wallin, referred to Committee on Taxation

**HB 627**, introduced by T. Nelson, referred to Committee on Taxation

**HB 628**, introduced by Toole, Driscoll, McCulloch, Wanzenried, Hibbard, referred to Select Committee on Workers' Compensation

**HB 629**, introduced by Toole, Bartlett, referred to Committee on Human Services and Aging

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 616: Harrington, Lynch, Simon, Menahan, Pavlovich, Quilici, Daily, Jacobson, Beck, Whalen, McCulloch, Schye.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, February 15, 1993. Motion carried.

House adjourned at 2:50 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana  
February 15, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Fisher. Pledge of Allegiance to the Flag.

Roll call. All members present except Cocchiarella, Swanson, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/15/93

Correctly printed for second reading: HB 208, HB 216, HB 287, HB 366, HB 472, HB 493, HB 509, HB 526, HJR 14.

Correctly engrossed for third reading: HB 73, HB 94, HB 145, HB 233, HB 236, HB 259, HB 290, HB 295, HB 296, HB 315, HB 329, HB 342, HB 344, HB 349, HB 357, HB 365, HB 372, HB 375, HB 382, HB 383, HB 384, HB 390, HB 394, HB 396, HB 397, HB 405, HB 414, HB 437, HB 441, HB 442, HB 445, HB 446, HB 449, HB 464, HB 473, HB 490, HB 513, HJR 12, SB 33.

Examined by the sponsor and found to be correct:

HB 41 - Davis  
HB 101 - Kadas  
HB 103 - Swanson  
HB 165 - Larson  
HB 182 - Bachini  
HB 194 - Tuss  
HB 224 - Schwinden

Signed by the Speaker at 12:00 p.m., 2/14/93: HB 130, HB 147, HB 163, SB 10, SB 17, SB 28, SB 30, SB 36, SB 88, SB 97, SB 135, SB 141, SB 151.

APPROPRIATIONS (Zook, Chairman): 2/15/93

**HB 186**, introduced bill, do pass. Report adopted.

**HB 196**, introduced bill, be amended as follows:

1. Title, line 10.

Strike: "1993"

Insert: "1991"

2. Page 5, line 14.

Strike: "1993"

Insert: "1991"

And, as amended, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman): 2/13/93

**HB 489**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "CONDITION;"

Insert: "REQUIRING A DNR IDENTIFICATION FORM TO BE READILY AVAILABLE;"

2. Page 2.

Following: line 20

Insert: "NEW SECTION. Section 2. DNR form to be readily available. The department shall ensure that the DNR identification form approved by the department is readily available at no cost or at a nominal charge."

Renumber: subsequent section

3. Page 2.

Following: line 22

Insert: "NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 50, chapter 10, part 1, and the provisions of Title 50, chapter 10, part 1, apply to [section 2]."

And, as amended, do pass. Report adopted.

**HB 491**, introduced bill, be amended as follows:

1. Page 6, line 2.

Strike: "or a licensed mortician"

And, as amended, do pass. Report adopted.

JUDICIARY (Fagg, Chairman):

2/12/93

**HB 429**, introduced bill, do pass. Report adopted.

**HB 468**, introduced bill, do pass. Report adopted.

**HB 496**, introduced bill, be amended as follows:

2/13/93

1. Page 15, line 17.

Page 16, line 14.

Following: "sex,"

Insert: "marital status,"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 499**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

#### ADVERSE COMMITTEE REPORT

**HB 420** - Representative Knox moved the 2/11/93 adverse committee report on HB 420 be adopted.

Representative Harper made a substitute motion the adverse committee report be not adopted and HB 420 be printed and placed on second reading. Motion failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bohlinger, Brooke, Brown, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S.



Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 46

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.  
Total 51

Voted Absentee: Swanson, Aye.

Excused: Cocchiarella.  
Total 1

Absent or not voting: Menahan, Wiseman.  
Total 2

Thereupon, the adverse committee report was adopted.

#### MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 2/13/93

**HB 86**, introduced by M. Hanson

Senate bills passed and transmitted to the House for concurrence: 2/13/93

**SB 121**, introduced by Franklin  
**SB 130**, introduced by McClernan  
**SB 196**, introduced by Devlin  
**SB 248**, introduced by Yellowtail  
**SB 261**, introduced by Doherty  
**SB 269**, introduced by Lynch  
**SB 270**, introduced by Keating  
**SB 275**, introduced by Weldon  
**SB 279**, introduced by Swysgood  
**SB 292**, introduced by Fritz  
**SB 311**, introduced by Jergeson  
**SB 328**, introduced by Hertel

**SB 112**, introduced by Harding, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 2/13/93 to the House with the following vote: (17-32).

#### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 630**, introduced by Tuss, Christlaens, Gervais, Squires, Driscoll, Pavlovich, Daily, Dolezal, Stanford, referred to Committee on Labor and Employment Relations

**HB 631**, introduced by Wallin (by request of the House Committee on Local Government), referred to Committee on Local Government

**HB 632**, introduced by Molnar, referred to Committee on Appropriations

**HJR 18**, introduced by S. Rice, referred to Committee on Appropriations

**HJR 19**, introduced by Boharski, Bohlinger, referred to Committee on Human Services and Aging

**HJR 20**, introduced by Knox, Raney, Gilbert, Swanson, Feland, Orr, Stovall, Schwinden, Wagner, Bird, Tunby (by request of the House Natural Resources Committee), referred to Committee on Natural Resources

**HJR 21**, introduced by Whalen, Vogel, referred to Committee on Judiciary

### MOTIONS

Representative Schwinden moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative Daily moved HB 556 be taken from the table in the Committee on Business and Economic Development, printed, and placed on second reading this legislative day. Motion failed. (47-50)

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tuss in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Grimes excused at this time.

**HB 208** - Representative Driscoll moved HB 208 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr.

Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Cocchiarella, Grimes, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Hayne.

Total 1

Representative Swanson present at this time.

**HB 366** - Representative Rose moved HB 366 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Ewer, McCaffree, Peck, Raney, Russell.

Total 5

Voted Absentee: Grimes, Aye.

Excused: Cocchiarella.

Total 1

Absent or not voting: None.

Total 0

**HB 423** - Representative Gilbert moved HB 423 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles,

Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Cocchiarella, Grimes, Ayes.

Excused: None.  
Total 0

Absent or not voting: Bergsagel, Harper, Peterson.  
Total 3

**HB 493** - Representative Dowell moved HB 493 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Feland, Hayne, Keller, Knox, Mason, Molnar, Peterson, Rehbein, Sayles, Simpkins, Smith.  
Total 11

Voted Absentee: Cocchiarella, Grimes, Ayes.

Excused: None.  
Total 0

Absent or not voting: DeBruycker.  
Total 1

**HB 509** - Representative Pavlovich moved HB 509 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree,



McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bergsagel, Brooke, Cocchiarella, Ewer, Grinde, Hansen, Hayne, Rehbein, Smith.  
Total 9

Voted Absentee: Grimes, Aye; Cocchiarella, No.

Excused: None.  
Total 0

Absent or not voting: Molnar, Strizich.  
Total 2

**HJR 14** - Representative Wagner moved HJR 14 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Driscoll, R. Johnson, T. Nelson.  
Total 3

Voted Absentee: Cocchiarella, Grimes, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 287** - Representative Wiseman moved HB 287 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg,

Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Bergman, Daily, DeBruycker, Dowell, Gervais, Hayne, McCaffree, L. Nelson, Peck, Russell, Wanzenried, Whalen.  
Total 12

Voted Absentee: Cocchiarella, Grimes, Ayes.

Excused: None.  
Total 0

Absent or not voting: Cobb, Rose.  
Total 2

**HB 417** - Representative Tunby moved HB 417 do pass.

Representative Cobb made a substitute motion HB 417, second reading copy, be amended as follows (amendment #1):

1. Page 11, line 3.  
Following: "County"  
Insert: "or the county where the alleged violation occurred"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: J. Rice, Toole.  
Total 2

Excused: Cocchiarella, Grimes.  
Total 2

Absent or not voting: Grady.

Total 1

Representative Cobb moved HB 417, second reading copy, be further amended as follows (amendment #2):

1. Page 11, line 3.

Following: "."

Insert: "This subsection does not apply until the department gives written notice, served personally or by certified mail, to the alleged violator or the violator's agent. For the purposes of this chapter, service by mail is complete on the day of receipt. The notice must state:

(a) the provision allegedly violated;

(b) the facts that constitute the alleged violation;

(c) the specific nature of any corrective action the department requires, estimated costs of compliance with the action, and where to receive help to correct the alleged violation; and

(d) a timetable that a reasonable person would consider appropriate for compliance with the alleged violations."

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Russell, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Bardanouve, Barnhart, Brooke, Brown, Dolezal, Dowell, Ewer, Harper, Hibbard, Kadas, Raney, S. Rice, Ryan, Sayles, Schwinden, Smith, Spring, Strizich, Swanson, Whalen, Winslow.

Total 21

Excused: Cocchiarella, Grimes.

Total 2

Absent or not voting: Gilbert.

Total 1

Representative Tunby moved HB 417, as amended, do pass. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R.

Johnson, Kadas, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

Noes: Anderson, Bachini, Barnett, Bergsagel, Cobb, Davis, DeBruycker, Ellis, Foster, Gervais, Grady, Grinde, Hayne, Herron, Kasten, Larson, McCaffree, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Simpkins, Stovall.

Total 28

Voted Absentee: Grimes, Aye.

Excused: Cocchiarella.

Total 1

Absent or not voting: Gilbert.

Total 1

**HB 472** - Representative Wallin moved HB 472 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Mills, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, S. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Mr. Speaker.

Total 70

Noes: Bachini, Barnhart, Bergsagel, Brooke, Daily, Dowell, Driscoll, Elliott, Ewer, Gervais, Harrington, Kadas, McCaffree, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Whalen, Wyatt.

Total 29

Voted Absentee: Cocchiarella, Grimes, Ayes.

Excused: None.

Total 0

Absent or not voting: Zook.

Total 1

**HB 526** - Representative Brandewie moved HB 526 do pass.

Representative Cobb made a substitute motion HB 526, second reading copy, be amended as follows (amendment #1):



1. Title, line 11.

Following: " ; "

Insert: "AUTHORIZING THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO REQUEST INFORMATION FROM THE DEPARTMENT OF LABOR AND INDUSTRY AND THE DEPARTMENT OF REVENUE ;"

2. Page 2, line 15.

Following: line 14

Insert: "(3)(a) Subject to federal restrictions, the department may request information from:

(i) the department of labor and industry pertaining to unemployment, workers' compensation, and occupational disease benefits; and

(ii) the department of revenue pertaining to income as provided in 15-30-303(7)(b).

(b) The information must be used by the department for the purpose of determining fraud, abuse, or eligibility for benefits."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Tash, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Brooke, DeBruycker, Elliott, Ewer, T. Nelson, Ream, Swanson, Toole, Tunby, Whalen.

Total 10

Excused: Cocchiarella, Grimes.

Total 2

Absent or not voting: Gilbert, Strizich.

Total 2

Representative Brandewie moved HB 526, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox,

Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Gervais, Hayne, Smith, Tunby, Whalen.

Total 6

Voted Absentee: Cocchiarella, Grimes, Ayes.

Excused: None.

Total 0

Absent or not voting: Strizich.

Total 1

**HB 216** - Representative Grady moved consideration of HB 216 be passed for the day. Motion carried.

**HB 413** - Representative Quilici moved HB 413, second reading copy, be amended as follows (amendment #1):

1. Page 5, line 12 following line 11.

Insert: "(4) In the event the fee charged in one year is in excess of the amount actually expended in that year, the excess shall be deducted from the amount required to be raised by the fee for the next year before the determination required by subsection (1) is made. Money remaining unspent at the close of the fiscal year shall be used to reduce the percentage calculated in 69-1-224 in the subsequent fiscal year."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Cocchiarella, Grimes.  
Total 2

Absent or not voting: Hansen, Strizich.  
Total 2

Representative Quilici moved HB 413, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Cocchiarella, Grimes, Ayes.

Excused: None.  
Total 0

Absent or not voting: Strizich.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tuss moved the adoption of the committee report. Report adopted. (89-6)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 92** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Davis, DeBruycker, Dowell, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Simon, Simpkins, Smith, Squires, Stovall, Swanson, Tash,

Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Zook,  
Mr. Speaker.  
Total 68

Noes: Bachini, Barnhart, Brooke, Brown, Cocchiarella, Daily, Dolezal,  
Driscoll, Ewer, Galvin, Gervais, M. Hanson, Hayne, Mason, McCaffree,  
McCarthy, McCulloch, Menahan, Molnar, Peck, Peterson, Raney, Ryan,  
Schwinden, Schye, Spring, Stanford, Strizich, Whalen, Winslow, Wyatt.  
Total 31

Voted Absentee: Cocchiarella, No.

Excused: Grimes.  
Total 1

Absent or not voting: None.  
Total 0

**HB 324** passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Bird, Boharski,  
Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher,  
Foster, Gervais, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne,  
Herron, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, Mills,  
Molnar, T. Nelson, Orr, Peck, Peterson, J. Rice, Rose, Russell, Sayles,  
Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner,  
Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 57

Noes: Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell,  
Driscoll, Elliott, Endy, Ewer, Galvin, Hansen, Harper, Harrington, Hibbard,  
J. Johnson, Larson, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich,  
Quilici, Raney, Ream, S. Rice, Ryan, Schwinden, Schye, Squires, Stanford,  
Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen.  
Total 39

Voted Absentee: Cocchiarella, No.

Excused: Grimes.  
Total 1

Absent or not voting: Bardanouve, Bergman, Rehbein.  
Total 3

**HB 371** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict,  
Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark,  
Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis,  
Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grinde,  
Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron,  
Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson,  
Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L.



Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Gervais.

Total 2

Voted Absentee: Cocchiarella, Aye.

Excused: Grimes.

Total 1

Absent or not voting: Bergman, Stovall.

Total 2

**HB 424** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: McCaffree.

Total 1

Voted Absentee: Cocchiarella, Aye.

Excused: Grimes.

Total 1

Absent or not voting: Brandewie, Endy, Wiseman.

Total 3

**HB 435** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson,

Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bachini, Bergsagel, Brooke, Peck.

Total 4

Voted Absentee: Cocchiarella, Aye.

Excused: Grimes.

Total 1

Absent or not voting: None.

Total 0

**HB 481** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Grinde, Peterson.

Total 3

Voted Absentee: Cocchiarella, Aye.

Excused: Grimes.

Total 1

Absent or not voting: Gilbert.

Total 1

**SB 198** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron,

Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker.

Total 1

Voted Absentee: Cocchiarella, Aye.

Excused: Grimes.

Total 1

Absent or not voting: Gervais, Gilbert.

Total 2

#### REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Clark, Chairman): 2/15/93  
**HB 565**, introduced bill, do pass and be placed on the consent calendar.  
Report adopted.

#### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:30 p.m., Tuesday, February 16, 1993. Motion carried.

House adjourned at 2:52 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
February 16, 1993

House Chambers  
State Capitol

House convened at 12:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Toole. Pledge of Allegiance to the Flag.

Roll call. All members present except Peterson, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-fourth and thirty-fifth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/16/93  
Correctly printed for second reading: HB 186, HB 196, HB 429, HB 468, HB 489, HB 491.  
Correctly engrossed for third reading: HB 208, HB 287, HB 366, HB 413, HB 417, HB 423, HB 472, HB 493, HB 496, HB 499, HB 509, HB 526, HB 565, HJR 14.  
Correctly enrolled: HB 41, HB 101, HB 103, HB 119, HB 165, HB 182, HB 194, HB 224.  
Signed by the Speaker at 3:00 p.m., 2/15/93: HB 41, HB 101, HB 103, HB 165, HB 182, HB 224.  
Signed by the Speaker at 5:00 p.m., 2/15/93: HB 119, HB 194.  
Delivered to the Governor for his approval at 12:30 p.m., 2/15/93: HB 108, HB 109, HB 116, HB 120.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 2/15/93  
**HB 538**, introduced bill, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman): 2/16/93  
**HB 336**, introduced bill, do pass. Report adopted.  
**HJR 10**, introduced bill, be amended as follows:

1. Page 1, line 24.  
Following: line 23  
Insert: "WHEREAS, the Montana Department of Transportation is proposing to the Federal Highway Administration that U.S. Highway 89 north of Browning, Montana, be included as part of the National Highway System; and"

2. Page 3, line 4.  
Following: second "Service,"  
Insert: "the United States Department of Transportation,"

And, as amended, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman): 2/16/93.  
**HB 75**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Strike: "CREATING A COMMISSION TO"

Insert: "PROVIDING FOR"

2. Title, line 7.

Following: "REVIEW"

Insert: "OF"

Following: "BENEFITS"

Insert: "BY THE INSURANCE COMMISSIONER"

3. Title, lines 7 and 8.

Strike: "APPROPRIATING MONEY FOR THE COMMISSION;"

4. Title, line 11.

Following: "PROPOSALS;"

Insert: "APPROPRIATING MONEY;"

5. Page 1, line 17.

Strike: "commission"

Insert: "insurance commissioner"

6. Page 1, line 24; page 2, line 7 (first place); page 4, lines 8, 11, 12, 17, 19, 22, and 24; page 5, lines 1 and 6 (two places); page 13, line 13.

Strike: "commission" or "Commission"

Insert: "commissioner" or "Commissioner"

7. Page 2.

Following: line 6

Insert: "(1) "Advisory council" means the advisory council required by [section 4]."

Renumber: subsequent subsections

8. Page 2, lines 7 and 8.

Strike: the second "commission" on line 7 through "[section 2]" on line 8

Insert: "commissioner of insurance provided for in 2-15-1903"

9. Page 2, line 14.

Following: "content of"

Insert: "policies of"

10. Page 2, lines 14 and 15.

Strike: "purchased from commercial insurers"

Insert: "or certificates issued pursuant to those policies by insurers or health service corporations"

11. Page 2, line 20, through page 4, line 7.

Following: "Section 2." on line 20

Strike: the remainder of line 20 through line 7 on page 4

Insert: "Commissioner review of proposal for mandated benefits. (1) An individual, person, group, or association intending to present a proposal for a mandated benefit to the legislature may present the proposal to the commissioner at least 6 months before the convening of a regular session of the legislature. A proposal submitted to the commissioner must contain those matters

required by [section 5] and must conform to the rules adopted by the commissioner."

Renumber: subsequent subsection

12. Page 4, lines 19 and 20.

Strike: "its" on line 19

Insert: "a"

Strike: "it" on lines 19 and 20

Insert: "the commissioner"

13. Page 4, lines 20 and 21.

Following: "request" on line 20

Insert: "from the entity presenting the proposal for a mandated benefit or from any state agency"

Strike: "its" on line 21

Insert: "the"

14. Page 4, line 23.

Strike: "applicant"

Insert: "entity presenting the proposal for a mandated benefit"

15. Page 4, line 25.

Following: "hearing."

Insert: "The advisory council required by [section 4] shall attend the hearing and advise the commissioner concerning the matters contained in the proposal submitted to the commissioner."

16. Page 5, line 4.

Strike: "commission's"

Insert: "commissioner's"

17. Page 5, line 7 (two places).

Strike: "its"

Insert: "the"

18. Page 5, lines 10 through 14.

Strike: subsection (6) in its entirety

19. Page 5, lines 15 through 25.

Following: "Section 4."

Strike: the remainder of section 4

Insert: "Advisory council -- membership -- compensation -- meetings. (1) The commissioner shall appoint an advisory council to advise the commissioner concerning the duties of the commissioner under [section 3]. The council consists of eight members. The director of health and environmental sciences or the director's designee is an ex officio member. The other seven members must be appointed by the commissioner as follows:

(a) one representative of the general public who is not employed in the insurance industry or in the provision of health care and who is not an officer or employee of a labor organization;

(b) one administrator of a health care facility, as defined in 50-5-101;

(c) one health care provider who is not actively employed in the mental health, mental illness, or addictive disease treatment field;

(d) one licensed or certified mental health, mental illness, or addictive disease care provider;

(e) one employer who is not active in the health care or insurance field;

(f) one representative of a collective bargaining labor organization; and

(g) one representative or licensed insurance producer of a company or organization licensed to provide disability insurance in Montana.

(2) Each council member appointed by the commissioner shall serve a 4-year term, except that the commissioner shall designate four of the initial members to serve 4-year terms and three to serve 2-year terms. A member appointed to fill a vacancy shall serve until the end of that term.

(3) The council shall elect one of its members as presiding officer and one as vice presiding officer.

(4) Except as provided in this section, the council must be appointed, compensated, reimbursed, and administered as provided in 2-15-122.

(5) The council shall meet at the time required by [section 3(4)] and at other times as requested by the commissioner."

20. Page 6, line 2.

Strike: "submitted by the applicant"

Insert: "for the mandated benefit"

21. Page 13, line 14.

Strike: "established in [section 2]"

And, as amended, do pass. Report adopted.

**HB 521**, introduced bill, do pass. Report adopted.

**HB 544**, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/15/93

**HB 280**, introduced bill, be amended as follows:

1. Title, line 17.

Following: "76-3-208,"

Strike: "76-3-209,"

2. Page 9, line 4.

Following: "parcel"

Insert: "without local government review under the provisions of this chapter is a violation of this chapter and"

3. Page 9, line 9.

Following: "parcel"

Insert: "without local government review under the provisions of this chapter is a violation of this chapter and"



4. Page 10, line 5.

Following: "4"

Strike: "; or"

Insert: ", provided that a dwelling unit is not to be erected on the parcel. The erection of a dwelling unit on the parcel without local government review under the provisions of this chapter is a violation of this chapter and subjects the division to the provisions of this chapter. Divisions made for the purpose of mining must be noted on the certificate of survey or other recorded instrument of conveyance, along with the statement that erection of a dwelling unit on the parcel without local government review under the provisions of this chapter is a violation of this chapter and subjects the division to the provisions of this chapter."

5. Page 10, line 7.

Following: line 6

Insert: "construction"

Following: "indentures"

Insert: "; or

(xiv) a parcel containing less than 160 acres if that parcel can be described as a one-quarter aliquot part of a United States government section"

6. Page 11, line 12.

Following: "imposes"

Insert: "arbitrary and capricious"

7. Page 11, lines 13 and 14.

Strike: "in excess of those authorized by this chapter"

8. Page 11, line 15.

Following: "(2)"

Strike: "a"

Insert: "an arbitrary and capricious"

9. Page 11, lines 15 through 18.

Strike: "that" on line 15 through "authority" on line 18

10. Page 13, line 9.

Following: "owners"

Insert: "as defined in 76-3-103"

11. Page 14, line 8.

Following: "entity"

Insert: "or immediately adjacent to a water user entity"

12. Page 19, line 6.

Following: "minor"

Insert: "or special"

And, as amended, do pass. Report adopted.

**HB 318**, introduced bill, be amended as follows:

1. Page 4, line 3.

Following: "Act"

Strike: ", and it"

Insert: ". It"

2. Page 4, line 6.

Following: "V"

Strike: "."

Insert: "and that the department allow for operational flexibility at those sources, including provisions for minor permit modifications and off-permit changes. The legislature does not intend that the operating permit program administered by the department serve as a basis for imposing additional emission limitations upon sources within the state, except as required by Subchapter V. It is also the desire of the legislature that the operating permit program for those sources subject to Subchapter V of the federal Clean Air Act be no more stringent than required by Subchapter V."

3. Page 4, line 18.

Following: "11]."

Insert: "The clarifying amendments contained in this bill are not intended to expand the current authority of the department to administer an air quality permitting program relating to construction, installation, alteration, or use."

4. Page 6, lines 1 through 3.

Strike: ", including pollutants regulated pursuant to section 7412 and Subchapter V of the federal Clean Air Act, 42 U.S.C. 7401, et seq"

Insert: "(3) "Air pollutants" means one or more air contaminants that are present in the outdoor atmosphere, including those pollutants regulated pursuant to section 7412 and Subchapter V of the federal Clean Air Act, 42 U.S.C. 7401, et seq."

Renumber: subsequent subsections

6. Page 6, line 4.

Following: "presence"

Strike: "in the outdoor atmosphere of one or more air contaminants"

Insert: "of air pollutants"

7. Page 7, line 7.

Strike: "a regulated"

Insert: "an"

8. Page 7, line 8.

Strike: "contaminant"

Insert: "pollutant"

9. Page 7, line 10.

Strike: "regulated"

Following: "air"

Strike: "contaminants"

Insert: "pollutants"

10. Page 8, line 23.

Strike: "contaminants"

Insert: "pollutants"

11. Page 9, line 2.

Strike: "operation."

12. Page 9, line 3.

Strike: "expiration."

13. Page 9, line 4.

Strike: "amendment."

14. Page 9, lines 5 and 6.

Strike: "operating permits as part of an operating permit program to be administered by the department"

Insert: "a permit issued"

15. Page 9, line 7.

Strike: "chapter"

Insert: "part"

16. Page 10, line 15.

Strike: "contaminants"

Insert: "pollutants"

17. Page 16, line 16.

Following: "application."

Insert: "This does not limit or abridge the right of any person to seek available judicial remedies to require the department to act in a timely manner."

18. Page 19, lines 12 through 16.

Strike: lines 12 through 16 in their entirety

Insert: "(i) the alleged violator's ability to pay and the economic impact of the penalty on the alleged violator;

(ii) the alleged violator's full compliance history and good faith efforts to comply;

(iii) the duration of the violation as established by any credible evidence, including evidence other than the applicable test method;

(iv) payment by the violator of penalties previously assessed for the same violation;

(v) the economic benefit of noncompliance;

(vi) the seriousness of the violation; and"

Renumber: subsequent subsection

19. Page 20, line 23.

Following: "false"

Insert: "material"

20. Page 21, line 5.

Following: "exceed"

Strike: "3"

Insert: "2"

Following: " \_ "

Insert: "This offense must be classified as a misdemeanor."

21. Page 21, line 19.

Strike: "-- presumption of continuing violation"

22. Page 22, line 18 through page 23, line 4.

Strike: subsection (3) in its entirety

Re-number: subsequent subsection.

23. Page 25, line 12.

Following: "chapter."

Insert: "The board shall promulgate rules that are no more stringent than the requirements of Subchapter V of the federal Clean Air Act."

24. Page 25, line 14.

Strike: "contaminants"

Insert: "pollutants"

25. Page 26, lines 15 through 19.

Following: "(a)"

Strike: "requirements" on line 15 through "made;" on line 19

Insert: "adequate procedures that are streamlined and reasonable for:

(i) expeditiously determining when applications are complete;

(ii) processing applications; and

(iii) expeditiously reviewing permit actions, including application renewals or revisions;"

26. Page 29, line 21.

Following: "made."

Insert: "The department shall adopt rules that contain criteria for use in determining both when an application is complete and when additional information is required after a completeness determination has been made."

27. Page 30, line 4.

Following: "application."

Insert: "This does not limit or abridge the right of any person to seek available judicial remedies to require the department to act in a timely manner."

28. Page 30, line 24.

Following: "9]."

Insert: "The applicant shall continue to be subject to the terms and conditions of the expired operating permit until the operating permit is renewed and is subject to the application of [section 9]."

29. Page 32, line 19.



Strike: "contaminants"  
Insert: "pollutants"

30. Page 34, line 1.  
Following: "for"  
Insert: "actual"

31. Page 34, line 2.  
Strike: "contaminants"  
Insert: "pollutants"

32. Page 34, line 3.  
Strike: "contaminant"  
Insert: "pollutant"

33. Page 34, line 5.  
Strike: "contaminant"  
Insert: "pollutant"

34. Page 34, line 25.  
Following: "chapter,"  
Insert: "that the amount of the requested fees is appropriate,"

35. Page 35, line 9.  
Strike: "of not more than"  
Insert: "not to exceed"

36. Page 35.  
Following: line 21  
Insert: "(c) The board shall by rule provide for the implementation of this subsection (5), including criteria for imposition of the sanctions described in this subsection (5)."

37. Page 36, lines 1 and 2.  
Strike: "an operating"  
Insert: "a"

38. Page 36, line 5.  
Strike: "contaminants"  
Insert: "pollutants"

39. Page 36, line 15.  
Strike: "contaminant"  
Insert: "pollutant"

40. Page 37, line 5.  
Strike: "contaminants"  
Insert: "pollutants"

41. Page 37, line 13.  
Following: "chapter."  
Insert: "The operating permit fees and the construction permit fees must be maintained in separate subaccounts. A person paying fees under

the operating permit program is authorized to audit the operating permit program quarterly."

42. Page 37, line 21.

Following: "owners"

Insert: "or representatives of owners"

43. Page 40, line 25.

Strike: "regulated"

Strike: "contaminants"

Insert: "pollutants"

44. Page 41, line 4.

Strike: "a regulated"

Insert: "an"

45. Page 41, line 5.

Strike: "contaminant"

Insert: "pollutant"

46. Page 41, line 6.

Strike: "regulated"

47. Page 41, line 7.

Strike: "contaminants"

Insert: "pollutants"

48. Page 2, line 15.

Page 4, line 15.

Page 7, lines 15 and 19.

Page 41, line 11.

Page 45, lines 11 and 23.

Page 47, lines 4 and 8.

Strike: "contaminants" or "contaminant"

Insert: "pollutants" or "pollutant"

And, as amended, do pass. Report adopted.

**HB 350**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "PROVIDING THAT"

Insert: "LIMITING THE AMOUNT OF"

Strike: "MUST"

Insert: "THAT MAY"

2. Title, line 7.

Strike: "ONLY"

Strike: "DESIGNATED"

Insert: "NONDESIGNATED"

3. Page 3, lines 16 through 21.

Strike: Subsection (3) in its entirety

Insert: "(3) Except as provided in 90-6-205(5)(b), each year, the coal board may not award more than 10% of the funds appropriated to it for grants and loans to governmental units and state agencies for meeting the needs caused by coal development to local governmental units other than those governmental units designated under subsection (1)."

4. Page 4, line 24.

Following: "facility."

Insert: "However, local governmental units continue to be eligible for coal impact grants and loans in circumstances in which:

(a) an impact exists in a community or area directly affected by the operation of a coal mine or mines; and

(b) tax revenue is not available to mitigate the impact."

5. Page 4, line 24 through page 5, line 2.

Strike: "A" on page 4 line 24 through "facility," on page 5, line 2

And, as amended, do pass. Report adopted.

**HB 374**, introduced bill, be amended as follows:

1. Title, lines 8 through 11.

Strike: "INCREASING" on line 8 through "QUALITY;" on line 11

2. Title, line 11.

Following: "75-5-201"

Strike: ", "

Insert: "AND"

3. Title, line 12.

Strike: "75-5-507,"

Strike: "AND 75-5-634,"

Strike: "; AND PROVIDING A"

4. Title, line 13.

Strike: "RETROACTIVE APPLICABILITY DATE"

5. Page 2, lines 20 through 25.

Following: "laws" on line 20

Strike: "; " on line 20 through "quality" on line 25

6. Page 4, line 25.

Strike: "mailing"

Insert: "receipt"

7. Page 6, line 23.

Following: "(7)"

Strike: "In addition to or instead"

Insert: "Instead"

8. Page 7, line 4.

Following: "violation"

Insert: "; however, the maximum penalty may not exceed \$100,000 for any related series of violations"

9. Page 7, line 15 through page 10, line 14.

Strike: Sections 3, 4 and 5 in their entirety

And, as amended, do pass. Report adopted.

**HB 380**, introduced bill, be amended as follows:

1. Title, lines 10 through 13.

Strike: "PROHIBITING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES FROM ISSUING AN AIR QUALITY PERMIT FOR INCINERATORS, BOILERS, AND INDUSTRIAL FURNACES UNTIL JUNE 1, 1994;"

2. Page 2, line 22 through page 3, line 3.

Strike: in their entirety

3. Page 4.

Following: line 18

Insert: "(9) 'Modify' means any physical change in or change in the method of operation of an incinerator that increases the amount of any air pollutant emitted by the source or that results in the emission of any air pollutant not previously emitted."

Renumber: subsequent subsections

4. Page 6, line 1.

Following: "construct"

Strike: ", "

Insert: "or"

Strike: ", or operate"

5. Page 6, lines 10 through 22.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

6. Page 8, line 9 through page 9, line 8.

Strike: sections 3 and 4 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 408**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "LIMITATION;"

Insert: "MODIFYING THE FAMILY SALE EXEMPTION;"

2. Title, lines 8 and 9.

Strike: "LIMITING" on line 8 through "SUBDIVISIONS;" on line 9



3. Title, line 10.  
Strike: "76-3-605,"

4. Page 4, line 18.  
Following: "14"  
Insert: "(a)"

5. Page 4, line 20.  
Following: "aeres"  
Insert: "containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section"

6. Page 5.  
Following: line 1  
Insert: "(b) A local governing body may increase or remove the 160-acre provision in subsection (14)(a) after:  
    (i) providing public notice pursuant to 7-1-4128 for a municipality or pursuant to 7-1-2121 for a county;  
    (ii) conducting a public hearing according to the procedures in 7-1-4131; and  
    (iii) following the procedures for the adoption of ordinances in 7-5-103."

7. Page 5, line 5.  
Following: "~~which~~"  
Strike: "that"  
Insert: "containing less than 160 acres that cannot be described as a one-quarter aliquot part of a Unites States government section when the parcels"

8. Page 5, line 6.  
Strike: ", and the"  
Insert: ". The"

9. Page 5, line 21.  
Following: "of a"  
Insert: "single"  
Following: "sale"  
Insert: "in each county"  
Following: "~~any~~"  
Strike: "a"  
Insert: "each"

10. Page 7, line 5 through page 8, line 9.  
Strike: section 5 in its entirety  
Renumber: subsequent sections

11. Page 9, line 23.  
Following: "of"  
Insert: "legal and physical"

12. Page 10.  
Following: line 1

Insert: "NEW SECTION. Section 6. Coordination instruction. If House Bill No. 280 is passed and approved, then [this act] is void."

Renumber: subsequent sections

13. Page 10, line 3.

Strike: "5"

Insert: "4"

14. Page 10, line 5.

Strike: "6"

Insert: "5"

And, as amended, do pass. Report adopted.

**HJR 11**, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

2/15/93

**HB 176**, introduced bill, be amended as follows:

1. Page 1, line 25.

Following: "FOR"

Insert: "changing the meeting time of"

Strike: "meeting in"

Insert: "from odd-numbered to"

2. Page 2, line 1.

Following: "AGAINST"

Insert: "changing the meeting time of"

Strike: "meeting in"

Insert: "from odd-numbered to"

And, as amended, do pass. Report adopted.

**HB 520**, introduced bill, do pass. Report adopted.

**SB 131**, third reading copy, be concurred in. Report adopted.

#### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

2/15/93

**HB 99**, introduced by Bardanouve

**HB 137**, introduced by Sayles

**HB 161**, introduced by Mason

**HB 178**, introduced by Mason

Senate bills passed and transmitted to the House for concurrence:

2/15/93

**SB 9**, introduced by Towe

**SB 157**, introduced by Jergeson

**SB 200**, introduced by Bianchi

**SB 244**, introduced by Harding

**SB 273**, introduced by Stang

**SB 315**, introduced by Swysgood

**SJR 2**, introduced by Kennedy

**MESSAGES FROM THE GOVERNOR**

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

February 12, 1993

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 67, "AN ACT REVISING THE LAWS RELATED TO THE POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND TO THE DISPOSITION OF FEES FOR SOLID WASTE MANAGEMENT; AMENDING SECTIONS 75-10-104, 75-10-105, 75-10-112, 75-10-116, AND 75-10-117, REPEALING SECTION 75-10-218, MCA; AND PROVIDING AN EFFECTIVE DATE," with the attached amendments.

The Office of Budget and Program Planning, the Accounting and Management Support Division of the Department of Administration, and the Department of Health and Environmental Sciences have identified technical problems with the wording of Section 5. This section as adopted is not in conformance with the prohibition against placing federal funds in a state special revenue account.

Senator Yellowtail, who introduced Senate Bill 67, is in agreement with these technical amendments, and I urge your approval of them.

Sincerely,

MARC RACICOT  
Governor

**GOVERNOR'S AMENDMENTS TO  
SENATE BILL 67**

1. Page 11, lines 3, 4, 6, 12, 13, 16, 17, and 19.

Page 12, lines 4 and 5.

Strike: "account"

Insert: "accounts"

2. Page 11, lines 4 and 16.

Following: "There"

Strike: "is a"

Insert: "are"

3. Page 11, lines 4 and 17.

Following: "the"

Strike: "state"

4. Page 11, lines 5 and 17.

Following: "fund"

Insert: "type"

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 633**, introduced by Russell, Hansen, Boharski, Squires, Dowell, referred to Committee on Judiciary

**HB 634**, introduced by Elliott, referred to Committee on State Administration

**HB 635**, introduced by Fagg, D. Brown (by request of the Secretary of State), referred to Committee on Business and Economic Development

**HJR 22**, introduced by D. Brown, Lynch, referred to Committee on Judiciary

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tunby in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Peterson present at this time.

**HB 216** - Representative Grady moved HB 216 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, L. Nelson, Orr, Pavlovich, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt.

Total 71

Noes: Bachini, Benedict, Bergman, Bergsagel, Brown, Clark, Cobb, Daily, DeBruycker, Ewer, Fagg, Gervais, H.S. Hanson, M. Hanson, Hayne, Kasten, McCarthy, Mills, Molnar, T. Nelson, Peck, Quilici, Rose, Simon, Stovall, Tunby, Vogel, Zook, Mr. Speaker.



Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 429** - Representative Strizich moved HB 429 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Brooke, Cocchiarella, Dowell, Driscoll, Ewer, Harper, Kadas, Raney, Russell, Tuss.

Total 10

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

**HB 468** - Representative J. Rice moved HB 468 do pass.

Representative Brown made a substitute motion HB 468 be passed for the day. Motion failed. (32-63)

Representative J. Rice moved his original motion that HB 468 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cobb, DeBruycker, Dolezal, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 79

Noes: Bachini, Benedict, Brown, Clark, Cocchiarella, Daily, Davis, Dowell, Driscoll, Endy, Galvin, Grinde, Harrington, Mason, McCaffree, Menahan, Pavlovich, Peck, Raney, Wanzenried, Wyatt.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 489** - Representative R. Johnson moved HB 489 be passed for the day. Motion carried.

**HB 491** - Representative Simon moved HB 491 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bachini, Bergsagel, Clark, Cobb, Feland, Fisher, Kasten, Rehbein, Vogel.

Total 9

Excused: None.

Total 0

Absent or not voting: Barnhart, Cocchiarella, Hibbard.

Total 3

**HB 186** - Representative McCaffree moved HB 186 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brown, Clark, Cobb, Daily, DeBruycker, Dolezal, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Mason, McCaffree, McCarthy, McCulloch, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Sayles, Schye, Spring, Stanford, Stovall, Strizich, Swanson, Tuss, Vogel, Wallin, Wiseman, Zook.

Total 60

Noes: Bachini, Bardanouve, Bohlinger, Brandewie, Brooke, Cocchiarella, Davis, Dowell, Driscoll, Elliott, Feland, Fisher, Grady, Grimes, Grinde, R. Johnson, Kadas, Knox, Larson, Menahan, Mills, Molnar, Peck, Peterson, Rose, Ryan, Schwinden, Simon, Simpkins, Squires, Toole, Tunby, Wagner, Wanzenried, Whalen, Wyatt, Mr. Speaker.

Total 37

Excused: None.

Total 0

Absent or not voting: Smith, Tash, Winslow.

Total 3

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tunby moved the adoption of the committee report.

Representative Ewer made a substitute motion HB 429 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion failed. (38-60)

Thereupon, the committee report was adopted. (79-19)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 94** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Cobb, Gilbert, H.S. Hanson, Hayne, Spring.

Total 6

Excused: None.

Total 0

Absent or not voting: Stovall.

Total 1

**HB 233** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Brandewie, Harper, Raney.

Total 3

Excused: None.

Total 0

Absent or not voting: Benedict, S. Rice.

Total 2

**HB 236** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Brown, Grinde, Hayne, Peterson, Smith, Spring.

Total 6

Excused: None.

Total 0

Absent or not voting: H.S. Hanson.

Total 1



**HB 259** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Cobb, Gervais, Toole.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 290** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Barnett, Ream, Russell.  
Total 3

**HB 295** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Vogel.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 296** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Elliott, Gilbert.

Total 2

Excused: None.

Total 0

Absent or not voting: Strizich, Tuss.

Total 2

**HB 315** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Brooke, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Bergman, Boharski, Bohlinger, Brandewie, Brown, Cocchiarella, Dowell, Ream, Smith, Squires, Toole, Tuss, Wallin, Wanzenried, Wyatt.

Total 15

Excused: None.

Total 0

Absent or not voting: Strizich.

Total 1

**HB 329** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bachini, Bergsagel, Brandewie, Clark, Cobb, DeBruycker, Foster, Grinde, Herron, Mills, Peterson, Rehbein, Spring, Vogel.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 342** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Feland.

Total 1

**HB 344** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Peck.

Total 1

Excused: None.

Total 0

Absent or not voting: Fagg.

Total 1



**HB 349** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, M. Hanson, Harper, Harrington, J. Johnson, Kadas, Keller, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Ream, Rehbein, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 67

Noes: Anderson, Benedict, Boharski, Bohlinger, Brandewie, Cobb, Ewer, Fagg, Feland, Grimes, Grinde, H.S. Hanson, Hayne, Hibbard, R. Johnson, Kasten, Knox, Mason, Mills, T. Nelson, Orr, Peterson, Raney, J. Rice, Rose, Spring, Toole, Wagner, Wallin, Winslow.

Total 30

Excused: None.

Total 0

Absent or not voting: Brooke, Elliott, Herron.

Total 3

**HB 357** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergsagel, Peck, Rehbein.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 365** passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, DeBruycker, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Squires, Stovall, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 66

Noes: Bachini, Bardanouve, Barnhart, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Gilbert, Hansen, Harper, J. Johnson, Kadas, Larson, McCaffree, T. Nelson, Peck, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Stanford, Strizich, Swanson, Wanzenried, Whalen, Wyatt.  
Total 34

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 372** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Bachini, Bergsagel, Bird, Brown, Ewer, Feland, Grinde, Hayne, Herron, Kasten, McCaffree, T. Nelson, Peck, Peterson, Rehbein, Vogel, Whalen.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Rose, Stovall.  
Total 2

**HB 375** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 96

Noes: Peck, Wyatt.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Brandewie, Rose.  
Total 2

**HB 383** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCulloch, Mills, Molnar, T. Nelson, Orr, Peterson, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Bachini, Brown, Daily, DeBruycker, Gervais, Kasten, Larson, McCaffree, McCarthy, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Rehbein, Spring.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 384** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, DeBruycker, Driscoll, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Simon, Smith, Spring, Stanford, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 72

Noes: Barnhart, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Endy, Ewer, Harper, J. Johnson, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Ream, Ryan, Schwinden, Schye, Squires, Strizich, Tuss, Wanzenried, Wyatt.  
Total 25

Excused: None.  
Total 0

Absent or not voting: Hansen, Simpkins, Stovall.  
Total 3

**HB 390** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Brooke.  
Total 1



**HB 396** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bird, Boharski, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Bachini, Benedict, Bergman, Bergsagel, Bohlinger, Brandewie, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Smith, Spring, Tunby, Wagner.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 405** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Kadas, Larson, Ream, Squires.

Total 4

Excused: None.

Total 0

Absent or not voting: Peck, Strizich.

Total 2

**HB 414** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Peck.

Total 1

Excused: None.

Total 0

Absent or not voting: T. Nelson.

Total 1

**HB 437** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, DeBruycker, Rehbein.

Total 3

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

**HB 441** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: Peck.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 442** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 445** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bergsagel, Bird, DeBruycker, Gilbert, Herron, Smith, Spring.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Ellis.  
Total 1

**HB 446** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: Dowell.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



**HB 449** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: DeBruycker, Sayles, Spring.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Brooke, Mills.  
Total 2

**HB 464** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Hansen.  
Total 1

**HB 473** passed as follows:

Ayes: Bachini, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Foster, Galvin, Gervais, Grady, Harper, Harrington, Herron, J. Johnson, Kadas, Larson, Mason, McCaffree, McCulloch, Menahan, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook.

Total 60

Noes: Anderson, Bardanouve, Benedict, Bergsagel, Boharski, Clark, DeBruycker, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Hibbard, R. Johnson, Kasten, Keller, Knox, McCarthy, Mills, L. Nelson, Peterson, Rehbein, J. Rice, Sayles, Simpkins, Smith, Tash, Tunby, Vogel, Wagner, Wiseman, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 490** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Gervais, L. Nelson, Russell, Ryan, Squires, Wyatt.

Total 6

Excused: None.

Total 0

Absent or not voting: Barnhart.

Total 1

**HB 513** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Anderson, Bergsagel, Clark, DeBruycker, Feland, M. Hanson, Hayne, Kasten, Orr, Peterson, Rehbein, Tunby.

Total 12

Excused: None.

Total 0

Absent or not voting: Bergman.

Total 1

**HJR 12** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bird, Brown, Cobb, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Galvin, Gilbert, Grady, Grinde, H.S. Hanson, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Russell, Sayles, Schwinden, Simpkins, Smith, Spring, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 61

Noes: Bachini, Barnhart, Bergsagel, Boharski, Bohlinger, Brooke, Clark, Cocchiarella, Dowell, Driscoll, Fisher, Foster, Grimes, Hansen, M. Hanson, Harper, R. Johnson, Kasten, Larson, McCulloch, Molnar, L. Nelson, T. Nelson, Peck, Raney, S. Rice, Ryan, Schye, Simon, Squires, Stanford, Toole, Tuss, Wanzenried, Winslow.

Total 35

Excused: None.

Total 0

Absent or not voting: Brandewie, Gervais, Harrington, Wallin.

Total 4

**MOTIONS**

Representative Gervais moved the rules be suspended to permit the late drafting and introduction of a resolution. Motion carried.

Representative Grimes moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative Swanson moved she be allowed to change her vote on HB 384, third reading, from aye to no. Motion carried.

Representative Sayles moved he be allowed to change his vote on HB 449, third reading, from no to aye. Motion carried.

Representative Whalen moved he be allowed to change his vote on HB 384, third reading, from aye to no. Motion carried.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 2/16/93  
Delivered to the Governor for his approval at 1:35 p.m., 2/16/93: HB 130,  
HB 147, HB 163.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 2/16/93

**HB 82**, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: ","

Insert: "and"

2. Page 1, lines 20 through 24.

Following: "education" on line 20

Strike: remainder of line 20 through "agency" on line 24

3. Page 2, line 3.

Following: "investigations"

Insert: "of outfitters and guides that involve violations of this chapter or rules of the board"

4. Page 2, line 4.

Strike: "other enforcement activities"

Insert: "investigations of complaints"

5. Page 2, line 6.

Strike: "enforcement,"

6. Page 2, lines 8 and 9.

Strike: "and enforcement activities"

7. Page 2, line 9.

Following: "other"

Insert: "local,"

Following: "state"



Insert: ", "

And, as amended, do pass. Report adopted.

**HB 245**, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "and"

Insert: "the potential for"

2. Page 1, line 16.

Following: "may"

Insert: ", without supplying a reason,"

3. Page 1, lines 16 through 19.

Strike: "for" on line 16 through "homes" on line 19

4. Page 1, line 21.

Strike: "upon failure to pay rent"

Insert: "if evicted unfairly"

5. Page 1, line 25.

Strike: "make rental payments"

Insert: "comply with the eviction"

6. Page 5, line 8.

Following: "rent"

Insert: "or late charges"

7. Page 5, line 11.

Following: "conduct"

Insert: "on the mobile home park premises"

8. Page 5, line 17.

Following: "violation"

Insert: "on the mobile home park premises"

9. Page 5, line 18.

Following: "ordinance"

Insert: ", when the violation is detrimental to the health, safety, or welfare of other residents or the landlord of the mobile home park,"

10. Page 5, lines 19 through 21.

Following: "violation" on line 19

Strike: remainder of line 19 through "park" on line 21

Insert: "of the provisions of Title 45, chapter 9"

11. Page 5, line 25.

Following: "(a)"

Insert: "A mobile home owner or a tenant of a mobile home owner who fails to pay the overdue rent and late charges within 15 days of receiving notice of nonpayment of rent, as provided in 70-24-422, is subject to termination procedures as provided in 70-24-422.

(b)"

Renumber: subsequent subsections

12. Page 6, line 2.

Strike: "three"

Insert: "two"

13. Page 6, line 5.

Following: "late"

Insert: "rent"

14. Page 6, lines 8 and 9.

Following: "(ii)"

Strike: remainder of line 8 through "payment" on line 9

Insert: "additional charges for late rent payment must be reasonable and must be paid as provided in subsection (2)(a) unless the landlord and tenant agree otherwise"

15. Page 6, line 13.

Strike: "third"

Insert: "second"

16. Page 6, line 17.

Following: "agreement"

Insert: "and the provisions of subsection (3)(c) requiring a compliance period do not apply"

17. Page 6, line 21.

Strike: "unfair,"

18. Page 6, lines 21 and 22.

Strike: ", or unconscionable"

19. Page 6, line 22.

Following: ","

Insert: "and"

20. Page 6, line 23.

Strike: ","

Insert: "."

21. Page 6, line 24 through page 7, line 4.

Strike: page 6, line 24 through page 7, line 4 in their entirety

Insert: "(b) All rules must be written and must be given to all mobile home park residents who reside in the mobile home park and to all new residents upon arrival."

Renumber: subsequent subsections

22. Page 7, lines 5 through 11.

Following: "(b)" on line 5

Strike: remainder of line 5 through "to" on line 11

Insert: "Notice of and compliance with notice of rules violations must conform with the provisions of"

23. Page 7, line 13.

Following: "owner"

Insert: "who has complied with the rule within 14 days after receipt of a notice as provided in subsection (3)(b)"

24. Page 7, line 14.

Strike: "three"

Insert: "two"

25. Page 7, line 15.

Following: "period"

Insert: "and it is shown that the mobile home owner or tenant of the mobile home owner has violated that rule"

Following: "required"

Insert: "for the next 6 months"

26. Page 7, line 18.

Following: "70-24-422"

Insert: "without providing a 14-day compliance period"

27. Page 7, line 19.

Following: line 18

Insert: "(e) If a mobile home owner or tenant of the mobile home owner has been given two or more written notices of an alleged violation of a rule that would have a significant adverse impact on the mobile home park or its residents within a 12-month period and it is shown that the mobile home owner or tenant of the mobile home owner has violated the rule, a written notice is not required for the next 6 months for a subsequent violation of any rule that would have a significant adverse impact on the mobile home park or its residents and the rental agreement may be terminated as provided in 70-24-422 without providing a 14-day compliance period. Only one notice a month may be given."

28. Page 8, line 18 through page 9, line 15.

Strike: line 18, page 8 through line 15, page 9 in their entirety

Renumber: subsequent sections

29. Page 9, line 17.

Strike: "Sections"

Insert: "Section"

Strike: "and 3"

Strike: "are"

Insert: "is"

30. Page 9, line 19.

Strike: "sections"

Insert: "section"

Strike: "and 3"

And, as amended, do pass. Report adopted.

**HB 543**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "FIDUCIARY"

Insert: "OR AN AFFILIATE OF THE FIDUCIARY"

2. Page 2, line 1.

Following: "fiduciary"

Insert: "or an affiliate of the fiduciary"

And, as amended, do pass. Report adopted.

**HB 545**, introduced bill, do pass and be placed on the consent calendar.

Report adopted.

**HB 575**, introduced bill, do pass. Report adopted.

**HB 577**, introduced bill, be amended as follows:

1. Title, line 10.

Strike: "35-1-1104,"

2. Page 7, line 18.

Strike: "service of"

3. Page 7, lines 18 and 19.

Strike: "perfected under 35-1-1034"

Insert: "mailed"

4. Page 7, line 24.

Strike: "serve"

Insert: "mail"

Strike: "on"

Insert: "to"

5. Page 7, line 25.

Strike: "pursuant to 35-1-1034"

6. Page 8, line 22 through page 11, line 2.

Strike: section 5 in its entirety

Renumber: subsequent sections

7. Page 12, line 25.

Strike: "serve"

Insert: "mail"

Strike: "on"

Insert: "to"

8. Page 13, line 1.

Strike: "under 35-2-830"

9. Page 13, line 11.

Following: "(1)"

Insert: "(a) except as provided in subsection (1)(b),"

10. Page 13, line 12.



Following: ""P.C.""

Strike: ", and"

Insert: "; unless  
(b)"

11. Page 13, line 13.

Strike: "may contain"

Insert: "contains"

12. Page 15, lines 4 and 6.

Strike: "9"

Insert: "8"

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

2/16/93

**HB 398**, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: "rate"

Insert: "for each funding category in the foundation program schedules"

2. Page 2, line 12.

Following: "data"

Insert: "for the general fund, debt service fund, and retirement fund"

3. Page 2, line 24.

Following: "costs"

Strike: "may"

Insert: "must"

4. Page 3, line 4.

Strike: "negotiate"

Insert: "approve"

5. Page 10, line 15.

Following: "rate"

Insert: "for each funding category in the foundation program schedules"

6. Page 10, line 18.

Following: "data"

Insert: "for the general fund, debt service fund, and retirement fund"

7. Page 11, line 2.

Strike: "20-5-301(3)(e) and (3)(f)"

Insert: "20-5-311(2)(b)"

8. Page 11, line 4.

Strike: "may"

Insert: "must"

9. Page 11, line 9.

Strike: "negotiate"

Insert: "approve"

And, as amended, do pass. Report adopted.

**HB 443**, introduced bill, do pass. Report adopted.

**HB 469**, introduced bill, do pass. Report adopted.

**HB 494**, introduced bill, do pass. Report adopted.

**HB 527**, introduced bill, do pass. Report adopted.

**HB 566**, introduced bill, do pass. Report adopted.

#### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 11:00 a.m., Wednesday, February 17, 1993. Motion carried.

House adjourned at 2:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## **THIRTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 17, 1993

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair.

Roll call. All members present except Bachini, Barnett, Bergman, Brandewie, Brown, Ellis, Fagg, Grimes, Hansen, Herron, Knox, Mills, T. Nelson, Sayles, Smith, Winslow, excused. Quorum present.

### **SPECIAL ORDERS OF THE DAY**

Sergeant-at Arms Meadors admitted the Senate to the House Chamber.

Mr. Speaker introduced President Van Valkenburg and yielded the Chair to him.

Senator Jergeson moved the body resolve itself into a joint session for the purpose of receiving the State of Education Address from the Superintendent of Public Instruction and the Chairman of the Board of Regents. Motion carried.

Reverend Oyer Morgan gave the invocation. The Pledge of Allegiance to the Flag followed.

Senator Jergeson moved President Van Valkenburg be authorized to appoint a committee of four to notify the Superintendent of Public Instruction and the Chairman of the Board of Regents that we are in joint session and ready to receive the State of Education Address. Motion carried.

President Van Valkenburg appointed Senators Blaylock and Brown, Representatives R. Johnson and Hansen and discharged them to escort the Superintendent of Public Instruction and the Chairman of the Board of Regents into the House Chamber.

Sergeant-at-Arms Regan admitted the Superintendent of Public Instruction and the Chairman of the Board of Regents and the committee escorted them to the rostrum.

After being presented to the Joint Session by President Van Valkenburg, Nancy Keenan, Superintendent of Public Instruction, delivered the following address:

### **STATE OF EDUCATION ADDRESS February 17, 1993**

Mr. President, Mr. Speaker, members of the House and Senate, distinguished guests, my friends.

It is my honor to be in this chamber as your guest. Given the large share of our state budget that goes to fund public education, I know for many of you, every time you look at me all you see are dollar signs. And as strongly as I feel about the importance of public education, I know that every day, each of you struggles with how to meet your responsibility to the people of Montana, a responsibility that requires you to provide necessary services that are affordable.

It's not easy being a legislator. In fact, I heard that the other day a young woman was jogging and came across a large frog in the middle of the track.

She stopped to move it when unexpectedly the frog said, "Please miss, I am an enchanted legislator from Butte who had the misfortune to be turned into a frog. However, if you were to kiss me I would return to my former wonderful self."

The young woman picked up the frog, placed him in her pack and continued on her jog. Several minutes later the frog was kicking and making an enormous amount of racket. The young woman stopped, took the frog out of her pack, and asked the frog what the problem was. He said, "Ma'am you must not have understood me. I am an enchanted legislator from Butte who had the misfortune of being turned into a frog. If you would be kind enough to kiss me, I will return to my former wonderful self."

The young woman paused, looked the frog in the eye, and said, "Personally I prefer a talking frog!"

Two years ago when I gave you my report on the State of Education, I talked about Dr. James Crupi's theory of leadership and how it is generational. I reflected with you about how Montanans in their 60s, 70s and 80s moved quickly and built our state and communities. Their children, the second generation, lived in families traumatized by the depression and knew that every dollar earned was at risk. The third generation, those of us in our 30s and 40s, have just been handed the reins. Though we have yet to be judged, that judgment will be harsh unless we learn to work smarter and with each other.

The first two generations had a vision for us. It wasn't always crystal clear, the decisions were seldom easy, but they felt a responsibility to the future. Our future, yours and mine, mattered to our parents and our grandparents. Now it is our turn. We must accept the challenge. We must make the difficult decisions, and we must have a vision, a vision for Montana's fourth generation, who are in their 20s, and a vision for our fifth generation, who are today learning in our classrooms across Montana.

#### What Does that Future Look Like?

There is a new book in this country called The Policeman's Beard is Half Constructed. One of the passages in it goes something like this: "More than iron, more than gold, more than lead, I need electricity. I need it more than lettuce, cucumber or pork. I need it for my dreams."

These words are from the first full length novel written in entirety by artificial intelligence.... a computer.

Today there are 33,500 commercial applications of robotic devices now used in the country. 95% of all welding and painting in car and truck assembly is done entirely by robotics. By the turn of the century there will be at least one-half million used in businesses, not counting those personal machines we will each own.



The old adage "you won't leave home without it" will take on a whole new meaning. Most likely it will be a very small computer worn on our wrists. We will no longer teach students facts and figures when they can merely ask: What is the valence of carbon? Four. Mom has a meeting, will dad have dinner ready? Fat chance.

A year ago the Japanese opened a new factory to produce one product -- houses. Not trailer houses -- houses. Everything from input to output and quality control is part of the process. The individual buyer specifies the architectural design, specifies the number of lights and fixtures, details the masonry work, the tile, the woodwork. A custom built house is constructed entirely by robots and delivered to the port of Los Angeles for \$54,000.

Will this change the construction industry? No doubt. The carpenters in our fifth generation of Montanans, our children, will be designing, constructing and maintaining the robots who build our houses.

Patent number 448296 is pending on a piece of equipment that plants, tills, and harvests small grains and fruits. An electronic arm goes up, makes a visual color contrast of the fruit, measures the level of ethylene gas, determines if it is ripe or not, and then picks it. It has never made a mistake. Will this change the agricultural industry in this state and country? Absolutely.

Our children, this fifth generation of young workers, will change careers 13 times in their lifetime. The astonishing growth in information we are seeing today will pale by comparison to the information explosion of the future. No longer will even the most brilliant and conscientious student be able to memorize facts and figures as we did. Their challenge will be to learn how to access the information they seek.

The future. Unfathomable to some of us. Frightening to others. And yet we all recognize the enormous responsibility we have in preparing Montana's young people for it.

How do we find time and energy to formulate a vision, when just maintaining the status quo consumes so much of our time, energy and resources? To know where we are going, we must evaluate where we are now.

### The Present Status of Your Schools

In 1990 we experienced an increase in enrollment of 1,700 students over the previous year. Our growth in 1991 was an additional 2,800 students. And in 1992 new enrollment swelled to 4,200 new students. 4,200 additional students is a startling number -- 9,000 new students in three years. But perhaps what is more startling and of deep concern is that a significant number of these new students are children with special needs -- they are learning disabled, emotionally disturbed, they are abused, and too many are hungry.

Enrollment isn't the only factor that has increased. Medical costs skyrocketed, utility rates increased, insurance liability costs grew, text

books and equipment costs to each of your local districts matched inflation and then some. Our schools have had to bear the costs of asbestos removal, replacement of underground storage tanks, and old boilers that explode.

At the same time, over the past four years they have received no increase in the foundation schedules other than a single inflationary adjustment of 4% in 1990. We have required schools to reduce their reserves from 35% to 10%. In 1991 we cut 8% from gifted and talented education and vocational education. Last week those two programs were completely eliminated.

There have been no increases in funding for special education, even though the costs for special services have continued to escalate. I need to point out that your schools do not place students in treatment facilities. Their families place them, the courts place them, and protective services place them. But the majority of these at-risk students are not "placed" anywhere. They come to school, and your school personnel do the best they can for them with very limited resources.

Yesterday, the Appropriations Committee eliminated the foundation schedules, the only component of our school funding system that the court did not challenge as unequal, and recommended a 5% -- 38 million dollar -- cut in state funding to your schools. The consequence of a 5% cut translates into a tax increase at the local level on the average of 12 mills each year.

This action is in direct conflict with House Resolution 2, which states in section four "that state costs (including the foundation program) not be shifted to local governments or local property taxpayers."

When you add up the 38 million dollar cut to the foundation schedules with the 2 million dollar cut in distributions to schools, you have asked your public schools and local taxpayers to bear 40 million dollars of the 99 million dollar target you have set.

Taxpayers won't save money, and instead of solving our school equalization dilemma, we make it worse.

And never in the history of this state, even during trying financial times, has the Legislature abolished the foundation schedules as happened yesterday. However, I received the personal assurance from the Governor this morning that you will revisit this issue.

You will have an opportunity to review several school funding proposals. Please study them all carefully and measure their worth by how they will impact the people and children of Montana. Does the plan measure up to the court test of equalization? Does the plan provide local control, flexibility, accountability, and the character and quality of education that our children need to succeed?

Consider every revenue proposal with an open mind -- power equalization, additional statewide mills, or income tax adjustments. Whether you're for it or against it, a sales tax won't help schools this biennium.

We must not act in haste and run the risk of forever crippling our children's opportunities.

We must remember that schools don't belong to the bureaucracy, children don't belong to the bureaucracy, they belong to people -- to families and to communities.

And don't panic... according to an old Mandarin expression, "Crisis is an opportunity on a dangerous wind."

Governor Racicot and I are committed to working together. And we ask you to join us. We have acknowledged that we will not agree on every issue. But we are committed to partnership and not partisanship.

Yes, we must work smarter, and we must work together. Government and schools must seek ways to become both more efficient and more effective.

And as Governor Racicot said not long ago, at this very podium, "I have but one request as we proceed. If your motive is to resolve the problems that confront us with fairness and honest purpose, then I will join you and be judged on the results. If you are moved by other desires, however, then don't be insulted if we pass you by. There is simply too much to be done and so little time in which to do it."

You face a formidable challenge. But let us run towards it and not away from it. Reason and judgment are the qualities we need to meet this challenge. And all of us must remember that leadership is action, not position.

I have great confidence in you.

Thank you.

President Van Valkenburg then thanked Superintendent Keenan for her State of Education Address.

President Van Valkenburg next introduced William Mathers, Chairman of the Board of Regents, who then delivered the following address:

Mr. President, Mr. Speaker, Members of the House and Senate:

Thank you for taking time from your busy schedules to give me an opportunity to talk to you about your Montana University system.

Later today, you will have the opportunity to hear from some of the students as we open the celebration of the Centennial year for the University of Montana, Montana State University, Montana Tech, and Western Montana College. Various activities have been planned throughout the year -- it is truly a time for celebration and participation.

Today, I would like to visit with you about those four schools, as well as the other institutions of higher education -- Eastern, Northern, our five vo-tech centers, our three community colleges, and also our association with the tribal colleges. I would like to remind you of the quality of education our students are receiving at these institutions.

-First, the University of Montana.

We report the largest enrollment in the history of the school this fall -- 9,482 FTE.

The number of Rhodes scholars from the University of Montana grew to 27 with the additions of Molly Kramer in 1991 and Scott Bear Don't Walk in 1992. Scott is the first native American from Montana to receive this award. The University of Montana ranks fourth among United States public universities in producing Rhodes scholars.

In his book, How to Get An Ivy League Education at a State University, Martin Nemko named the University of Montana as one of those qualified schools.

-With an enrollment of 9,491 FTE, Montana State University -- just as the University of Montana -- has its share of outstanding students and programs.

Three MSU students were selected 1992 All USA Academic by USA Today, with two students on the first team and one on the second. MSU's total of six All USA selections is the highest number from any school in the nation.

Five undergraduates won 1992 Barry M. Goldwater scholarships. MSU tops the nation with a total of 12 Goldwater scholarships awarded since the program's inception.

MSU is one of the top 10 schools nationwide in terms of students' consistent success on the CPA exam.

Engineering students who take the fundamentals of engineering exam have a pass rate of 94%.

Students in other disciplines show equal achievements.

In 1990, the National Science Foundation designated a National Engineering Center of Excellence at MSU. This was accompanied by a \$7.5 million, five-year grant.

-Montana College of Mineral Science and Technology

With an enrollment of 1,694 in the fall of 1992, Tech's entering freshmen had A.C.T. scores of 22.2 -- above the national average of 20.6.

Tech was chosen in 1987 as the nation's best small college of comprehensive science and technology by U.S. News and World Report.



In 1992, Money magazine, considering educational quality and cost, included Tech among the best buys in American higher education.

Tech's petroleum engineering department has the third largest enrollment nationally, surpassed only by the University of Texas and Texas A&M.

The mining engineering department was recognized by the National Society of Mining Engineering as the most successful such department in the United States and has the largest enrollment nationally for any mining program.

The Montana Tech Center of Excellence -- in handling mineral and hazardous wastes -- is leading state-wide and country-wide research on solving problems related to mineral processing and abandoned hazardous wastes.

One project with the Montana Science and Technology Alliance has been important to the development of a growing company in Butte.

Tech places more students per capita in the U.S. Navy Nuclear Propulsion Officer Candidate Program than any other college or university nationwide.

#### -Eastern Montana College

With a student population of 3,139 FTE, Eastern Montana College is the largest of our four colleges. It offers four declared majors by school -- Arts and Science, Business and Economics, Education and Human Services, and General Studies. As a percentage of its enrollment, Eastern has the largest nontraditional number of students of any of our six senior units.

As a way of strengthening the teacher education program while improving the education of Montana's young people, the School of Education and Human Services has established partnerships with six area schools. This partnership -- professional development schools -- brings together Eastern Montana College faculty, pre-service students, and practicing professionals in education and research efforts to improve all aspects of education.

During the past six academic years, eight faculty members from Eastern have received Fulbright scholar awards.

As a result of legislative action in 1989, Eastern -- in conjunction with the School of Business at the University of Montana -- is now offering a Master of Business Degree to students of Eastern.

#### - Northern Montana College

Serving the Hi-Line area of Montana, Northern had a student population in the fall of 1992 of 1,673 FTE. It provides a teacher education program that supplies a large number of the teachers for the K through 12 schools of North-Central and Northeastern Montana. It offers degrees in agriculture, business, education, engineering and technology, health sciences, life sciences -- multi-interdisciplinary.

Four students won first place at the State Vocational Industrial Clubs of America contest in Montana. Two students won first place in an international computer-assisted design program.

The water quality program received \$100,317 in 1992 from the Environmental Protection Agency to carry out projects in water quality technology and environmental health.

Northern Montana College Student Services received \$741,866 in the fall of 1992 in grants from the Department of Education. This money funds projects designed to help Montanans prepare for higher education, stay in school, and move into the job market.

- Western Montana College of the University of Montana

The smallest of our six schools of higher education, with 928 FTE in the fall of 1992, Western was merged with the University of Montana in 1988.

Specializing in the training of teachers for our small rural schools in Montana is "Big Sky Telegraph," an innovative on-line rural education network program that is Montana's first recipient of the U.S. West Foundation's Major Educational Initiative Grant. The current grant, totaling more than \$290,000, is provided for the continuation of Big Sky Telegraph's mission to increase the opportunities it gives rural education and the large rural community. The telegraph now connects Montana's one-room schools through on-line computer technology to increase peer and resource access for Montana's isolated rural teachers.

Western has been awarded more than \$159,000 from the IBM Foundation on the merits of its grant proposal to incorporate desktop training and personal computer technology in its teacher preparation curricula. Only 50 such grants have been awarded by IBM to the nation's colleges.

Since 1987, federal and state dollars totaling more than \$250,000 have been awarded to Western to develop an undergraduate teacher-training model to prepare education for teaching in rural and small schools.

In order to conserve time, I shall not discuss individually our five vo-tech centers. These five campuses offer quality vocational education to a large segment of our population.

As a result of legislation passed in 1987, the commissioner's office has directed our six senior educational facilities to integrate where possible the educational programs of these vo-tech centers. The regents have also initiated a program that allows courses that are taught at these centers to transfer to our four-year units. Such credits can be used in the student's pursuit of a college degree.

Regent Cordell Johnson, during our tour of the Butte Vo-Tech Center, commented that "These vo-tech centers are the most under-used centers of education in our state." The regents agree with this statement. We shall do all that we can to encourage students to attend these schools. They provide quality education and offer job training opportunities that many of

our students need. We shall work with the Office of Public Instruction and the counselors of our high schools to encourage students to avail themselves of these opportunities.

Montana's three community colleges -- Dawson, Miles, and Flathead -- offer the biggest bargain in state higher education. They are funded by the state at 49% and by local taxpayers at 51%.

One of the most outstanding innovations in education was started this past year in the use of an interactive telecommunications system with the Miles Community College nursing program as a focal point. Miles Community College -- in cooperation with Dawson Community College and hospitals and health-care agencies in Glendive and Sidney -- delivers the lecture position of the program via the telecommunications system. MCC nursing instructors in Glendive and Sidney coordinate the clinical instruction of students, and Dawson Community College delivers the supporting general education requirements to the students in both communities.

Flathead Community College, the largest of the three with 1,161 FTE, recently completed building its new campus -- funded through a local bond issue. It now offers educational service via its outreach program to Whitefish, Columbia Falls, and Bigfork and in Libby, Eureka, and Troy through the Lincoln County campus.

The office of the Commissioner of Higher Education has just completed its guide to the transfer of courses between Montana's community colleges and units of the Montana University System. By following this guide, students can now enroll in the community colleges for their first two years, with assurance that these courses will transfer to any unit of the Montana University System.

In the future, the guide shall serve as a companion to annual issues of the state's "Guide to the Transfer of Core Curriculum Courses in Montana's Colleges and Universities."

These two guides make possible the transfer of earned credits among any college, university, tribal college, or technical institute in this state.

This has been one of the goals of this Board of Regents and the Commissioner's office, and we are pleased to say it is here at last!

In this discussion, I have attempted to point out to you and the people of this state what a high quality of education we provide for the students of Montana. It is something of which you as legislators and the Board of Regents can be proud.

Having served in the Legislature for 20 years, I have an understanding of the difficult decisions you are faced with. We know that cuts must be made. The University system must accept its share of those cuts. Let me remind you, however, that our faculty salaries are the lowest in all 50 states. As reported in the "Montana Business Quarterly," the state's per capita spending for higher education did not increase between 1970 and 1990. Montana's level of spending in 1990 is lower than any of its neighbors --

and 68 percent below the national average. This results both from a relatively low level of expenditure per capita and from a relative high number of students per capita.

You have the quality of higher education in your hands. Let us work together to maintain that high quality.

The Superintendent of Public Instruction, Nancy Keenan, and the Chairman of the Board of Regents, William Mathers, were escorted from the House Chamber by the escort committee.

Senator Jergeson moved the joint session of the 53rd Legislature be adjourned. Motion carried.

Members of the Senate retired from the House Chamber.

Representative Grinde moved the House recess until 12:45 p.m. Motion carried.

House recessed at 12:00 p.m.

House reconvened at 12:45 p.m. Mr. Speaker in the Chair.

Invocation by Representative Vogel. Pledge of Allegiance to the Flag.

Roll call. All members present.

### COMMUNICATIONS AND PETITIONS

House of Representatives  
Capitol Station  
Helena, MT 59620

February 17, 1993

Dear Members of the House,

On Tuesday, February 9, 1993, I advised Jim Jensen through his attorney, Peter Meloy, that his suspension would remain in effect until the 15th day of February, 1993, the 37th Legislative Day, as recommended by the Joint Rules Committee.

Sincerely,

John A. Mercer  
Speaker of the House

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/17/93

Correctly printed for second reading: HB 75, HB 82, HB 176, HB 245, HB 280, HB 318, HB 336, HB 350, HB 374, HB 380, HB 398, HB 408, HB 443, HB 469, HB 494, HB 520, HB 521, HB 527, HB 538, HB 543, HB 544, HB 566, HB 575, HB 577, HJR 10, HJR 11.



Correctly engrossed for third reading: HB 186, HB 216, HB 429, HB 468,  
HB 491, HB 545.

Examined by the sponsor and found to be correct:

HB 86 - M. Hanson  
HB 99 - Bardanouve  
HB 137 - Sayles  
HB 161 - Mason  
HB 178 - Mason

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):  
**HB 478**, introduced bill, be amended as follows:

2/16/93

1. Title, lines 8 and 9.

Following: "LIMITING" on line 8

Strike: remainder of line 8 through "PERMIT" on line 9

Insert: "NEW PERMITS"

2. Page 5, line 4.

Strike: "A"

Insert: "(1) Except as provided in subsection (2), a"

Following: "on:"

Insert: "on the occurrence of either of the following:"

3. Page 5, line 6.

Following: "physician"

Insert: "(a)"

4. Page 5, line 9.

Following: "exists."

Insert: "(b) certification by a physician that the permittee's physical  
handicap impairing mobility no longer exists.

(2) A permit issued before October 1, 1993, expires on:

(a) the death of the permittee; or

(b) certification by a physician that the permittee's  
physical handicap impairing mobility no longer exists."

And, as amended, do pass. Report adopted.

JUDICIARY (Fagg, Chairman):

2/16/93

**HB 411**, introduced bill, be amended as follows:

1. Title, page 1, lines 21 through 24.

Strike: "PROVIDING" on line 21 through "CONTRACTOR;" on line 24

2. Title, page 2, lines 9 and 10.

Strike: "23-5-324," on line 9

Following: "23-5-412," on line 10

Insert: "23-5-501,"

Strike: "23-5-611," on line 10

3. Page 7, line 1.

Following: "manufacturer"

Insert: ", distributor, or route operator"

4. Page 11, line 22.

Following: "device"

Insert: "or enterprise"

5. Page 12, line 15.

Following: "manufacturer"

Insert: ", route operator,"

6. Pages 16 and 17.

Strike: line 25 of page 16 through line 2 of page 17

Insert: "consider hearsay evidence approved by the hearing examiner in a prehearing conference at which a determination is made that the evidence possesses sufficient guaranties of trustworthiness and does not involve a question of the credibility of a witness or of the credibility of a witness's subjective observations or analysis."

7. Page 18, line 12.

Following: line 11

Insert: "(iii) the illegal gambling device will be exported from the state; and"

Renumber: subsequent subsection

8. Page 19, lines 11 through 13.

Strike: "if the" on line 11 through "less" on line 13

9. Page 19, lines 15 through 17.

Strike: "if" on line 15 through "\$300" on line 17

Insert: "upon conviction of a third or subsequent offense"

10. Page 27, line 19 through page 28, line 12.

Strike: section 13 in its entirety

Renumber: subsequent sections

11. Page 28, lines 16 and 19.

Strike: "game"

Insert: "card"

12. Page 28, line 19.

Following: "award"

Insert: "game"

13. Page 29, line 21.

Following: line 20

Insert: "Section 14. Section 23-5-501, MCA, is amended to read:

"23-5-501. Definitions. As used in this part, unless the context clearly requires otherwise, the following definitions apply:

(1) "Sports pool" means a gambling activity, other than an activity governed under chapter 4 or chapter 5, part 2, of this title, in which a person wagers money for each chance to win money or other items of value based on the outcome of a sports event or series of sports events wherein the competitors in the sports event or series of sports events are natural persons ~~or animals~~.

(2) "Sports tab" means a folded or banded ticket with a face covered to conceal a combination of two numbers, with each number ranging from zero through nine.

(3) "Sports tab game" means a gambling enterprise conducted on a card to which 100 sports tabs are attached that have 100 different combinations for which consideration in money is paid by the person purchasing each tab. A person may purchase a sports tab from the card for the chance to win money or other items of value on a sports event as provided in 23-5-503."

Renumber: subsequent sections

14. Page 29, line 25.

Page 30, line 24.

Page 36, line 7.

Strike: "The"

Insert: "Except as provided in subsection (6), the"

15. Page 30, line 17.

Following: "waive"

Insert: "the license fee provided for in subsection (2) if the applicant is licensed as a manufacturer or route operator and may waive"

16. Page 31, line 16.

Following: "waive"

Insert: "the license fee provided for in subsection (2) if the applicant is licensed as a manufacturer or distributor and may waive"

17. Page 32, line 9.

Following: "machine"

Insert: "and to pay out prizes won by players"

18. Page 34, line 5 through page 35, line 18.

Strike: section 19 in its entirety

Renumber: subsequent sections

19. Page 37, line 11.

Following: "waive"

Insert: "the license fee provided for in subsection (2) if the applicant is licensed as a distributor or route operator and may waive"

20. Page 52, line 15.

Strike: "21"

Insert: "20"

21. Page 52, line 18.

Strike: "21"

Insert: "20"

And, as amended, do pass. Report adopted.

**HB 433**, introduced bill, be amended as follows:

2/15/93

1. Title, line 4.

Following: "AN ACT"

Insert: "PROVIDING THAT A BAR MAY CONDUCT A RACE BETWEEN PIGS, GERBILS, OR HAMSTERS AND CONDUCT ONE OR MORE SPORTS POOLS ON THE RACE;"

2. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

3. Title, line 7.

Following: "23-4-301"

Insert: "AND 23-5-502"

4. Page 2, line 24.

Following: line 23

Insert: "Section 2. Section 23-5-502, MCA, is amended to read:

"23-5-502. Sports pools and sports tab games authorized -- tax. (1) Conducting or participating in sports pools and sports tab games as defined and governed in this part is lawful, except that:

(a) sports tab games may only be conducted on premises licensed to sell alcoholic beverages for consumption on the premises; and

(b) only a licensee of premises that are located in an incorporated city or town with a population of less than 100 or located outside the boundaries of an incorporated city or town and that are licensed to sell alcoholic beverages for consumption on the premises may conduct a race between animals and conduct one or more sports pools on the race. The race may be conducted only if it is between pigs, gerbils, or hamsters and is conducted on the premises.

(2) A manufacturer licensed under 23-5-115 who sells sports tabs to a licensed operator for use in a sports tab game shall collect from the operator, at the time of sale, a tax of \$1 for each 100 sports tabs sold and, within 15 days after the end of each calendar quarter, submit to the department any forms required by the department and the proceeds of the collected tax. The manufacturer shall keep a record of taxes collected as required by department rule. The records must be made available for inspection by the department upon request of the department. The department shall retain the proceeds of the tax to administer this part.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 482**, introduced bill, be amended as follows:

2/15/93

1. Page 9, line 2.

Strike: "subsections (2) and (3)"

Insert: "subsection (2)"

2. Page 9, lines 14 through 16.



Strike: subsection (3)  
Renumber: subsequent subsections

3. Page 10, line 8.  
Following: "person."

Insert: "The information must be kept confidential by the department and may not be disseminated by it."

4. Page 11, line 21.  
Strike: "\$5"  
Insert: "\$3"

5. Page 16, line 10.  
Strike: "providing"  
Insert: "that provides"

6. Page 16, line 12.  
Following: "obligation"  
Insert: "and that may include payment of a determinable or indeterminable amount for insurance covering the child"

And, as amended, do pass. Report adopted.

**HB 483**, introduced bill, be amended as follows:

2/15/93

1. Page 1, line 21.  
Page 5, line 5.  
Page 6, line 21.  
Following: "alcohol"  
Insert: "or drugs"

2. Page 5, line 7.  
Strike: "; and"  
Insert: ". A positive test result does not, in itself, prove that the person was under the influence of a drug or drugs at the time the person was in control of a motor vehicle. A person may not be convicted of a violation of 61-8-401 based upon the presence of a drug or drugs in the person unless some other competent evidence exists that tends to establish that the person was under the influence of a drug or drugs while driving or in actual physical control of a motor vehicle within this state."

And, as amended, do pass. Report adopted.

**HB 502**, introduced bill, be amended as follows:

2/15/93

1. Page 1, line 14.  
Following: "must be"  
Insert: "released and"

2. Page 2, line 6.  
Following: "address"

Insert: "within 10 working days or the bond becomes void and must be released and returned to the surety within 5 working days"

And, as amended, do pass. Report adopted.

**HB 506**, introduced bill, do pass. Report adopted.

**HB 525**, introduced bill, do pass. Report adopted.

**HB 559**, introduced bill, do pass. Report adopted. 2/15/93

**HB 561**, introduced bill, do pass. Report adopted.

**HB 573**, introduced bill, do pass. Report adopted.

**HB 574**, introduced bill, do pass. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman):

2/17/93

**HB 364**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "DISTRICT"

Insert: "AND WITHIN A ROAD IMPROVEMENT DISTRICT"

2. Title, line 7.

Following: ";

Insert: "ALLOWING A CITY COUNCIL OR COMMISSION TO ASSESS PROPERTY WITHIN A SPECIAL IMPROVEMENT DISTRICT IN EQUAL AMOUNTS BASED ON THE TOTAL COST OF THE IMPROVEMENT;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-12-2151,".

Insert: "7-12-4162, AND 7-14-2907,"

3. Page 3.

Following: line 9

Insert: "Section 2. Section 7-12-4162, MCA, is amended to read:

"7-12-4162. Assessment of costs -- area option -- assessed valuation option -- equal amount option. (1) (a) The city council or commission shall assess the entire cost of an improvement against benefited property in the district, each lot or parcel of land assessed within such district to be assessed for that part of the whole cost which its assessable area bears to the assessable area of all benefited lots or parcels in the district, exclusive of streets, avenues, alleys, and public places. For the purposes of this subsection, "assessable area" means an area of a lot or parcel of land representing the benefit conferred on the lot or parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the lot or parcel.

(b) The council or commission, in its discretion, shall have the power to pay the whole or any part of the cost of any street, avenue, or alley intersection out of any funds in its hands available for that purpose or to include the whole or any part of such costs within the amount of the assessment to be paid by the benefited property in the district.

(c) In order to equitably apportion the cost of any of the improvements herein provided for between that land within the

district which lies within 25 feet of the line of the street on which the improvement is to be made and all other benefited land within the district, the council or commission may, in the resolution creating any improvement district, provide that the amount of the assessment against the property in such district to defray the cost of such improvements shall be so assessed that each square foot of land within the district lying within 25 feet of the line of the street on which the improvements therein provided for are made shall bear double the amount of cost of such improvements per square foot of such land that each square foot of any other benefited land within the district shall bear.

(2) The city council or city commission may assess the cost of an improvement against each lot or parcel of land in the district based on the assessed value of the benefited lots or parcels of land within the district if the council or commission determines such assessment to be equitable and in proportion to and not exceeding the benefits derived from the improvement by the lot or parcel.

(3) The city council or city commission may assess each lot or parcel of land in the district an equal amount based upon the total cost of the improvement."

Section 3. Section 7-14-2907, MCA, is amended to read:

"7-14-2907. Cost of road improvement districts -- property owner assessments. (1) The cost of operating a road improvement district must be assessed upon all the benefited property in the district based upon the benefits received, and the board of county commissioners shall adopt one or any combination of the following methods of assessment for improvements made for the benefit of the district:

(a) Each parcel of benefited property assessed in such district may be assessed with that part of the whole cost which its assessable area bears to the assessable area of all the benefited parcels in the district, exclusive of roads and public places. For the purposes of this subsection (1)(a), "assessable area" means an area of a parcel of benefited property representing the benefit conferred upon the parcel by the improvement. Assessable area may be less than but may not exceed the actual area of the parcel.

(b) Each parcel of benefited property assessed in the district may be assessed with that part of the whole cost of the improvement based upon the assessed value of the benefited parcels of land within said district if the board determines such assessment to be equitable in proportion to and not exceeding the benefits received from the improvement by the parcel.

(c) Each parcel of benefited property in the district abutting upon the road where the improvement has been made may be assessed in proportion to its lineal feet abutting the road.

(d) Each parcel of benefited property in the district may be assessed an equal amount based upon the total cost of the improvement.

(2) The board may use one or any combination of methods of assessment in a single road improvement district and, if more than one improvement is undertaken, need not assess each parcel

of benefited property in the district for the cost of all the improvements.

(3) Not later than the first Monday in September of each year, the board of county commissioners shall adopt a resolution levying and assessing upon all the benefited property in the district an amount equal to the total amount necessary for district operations. The amount necessary for district operations is the total of:

(a) (i) the estimated amount for improvements as authorized in 7-14-2903; and

(ii) the amount necessary to pay for debts for authorized improvements that cost more than estimated in previous years;

(b) less any amount in the road improvement district fund, as provided for in 7-14-2908, that may be unspent, unencumbered, and available for district use.

(4) (a) It is the duty of the county treasurer to collect the assessments in the same manner and at the same time as taxes for general purposes are collected.

(b) When an assessment becomes delinquent, the unpaid amount becomes a lien on the assessed parcel of land. The collection of delinquent assessments or enforcement of a lien may be made by any method authorized by law for the collection or payment of taxes.""

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 440**, introduced bill, do pass. Report adopted.

**HB 510**, introduced bill, do pass and be placed on the consent calendar. Report adopted.

**HB 528**, introduced bill, be amended as follows:

1. Page 3, line 20.

Following: "department"

Strike: "shall"

Insert: "may"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 550**, introduced bill, do pass. Report adopted.

**HB 584**, introduced bill, be amended as follows:

1. Page 4, line 5.

Following: "[b]"

Strike: "publish the report"

Insert: "provide a public service announcement"

2. Page 4, line 7.

Following: "counties"

Insert: "that the report is available for public inspection"



And, as amended, do pass and be placed on the consent calendar. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):  
**HB 227**, introduced bill, be amended as follows:

2/16/93

1. Title, line 6.

Strike: "PUBLIC OFFICIALS"

Insert: "STATE OFFICERS AND LEGISLATORS"

2. Title, lines 9 through 11.

Strike: "AUTHORIZING" on line 9 through "OPINIONS;" on line 11

3. Title, line 12.

Following: "EXPANDED"

Insert: "IN CERTAIN CIRCUMSTANCES"

4. Title, line 15.

Strike: "2-2-104, 2-2-105,"

Following: "2-2-121,"

Strike: "2-2-125,"

5. Title, line 16.

Strike: "2-2-201, 5-7-103,"

6. Page 1, line 20.

Strike: "[section 11]"

Insert: "5-7-213"

7. Page 1, lines 23 and 24.

Strike: "[section 11]"

Insert: "5-7-213"

8. Page 2, line 4 through page 18, line 19.

Strike: everything after the enacting clause

Insert: "Section 1. Section 2-2-102, "MCA, is amended to read:

"2-2-102. Definitions. As used in this part, the following definitions apply:

(1) "Business" includes a corporation, partnership, sole proprietorship, trust or foundation, or any other individual or organization carrying on a business, whether or not operated for profit.

(2) "Commissioner" means the commissioner of political practices as established in 2-15-411.

(2)(3) "Compensation" means ~~any~~ money, a thing of value, or an economic benefit conferred on or received by any person in return for services rendered or to be rendered by ~~himself~~ the person or another.

(3)(4) "Employee" means ~~any~~ a temporary or permanent employee of the state or ~~any~~ a subdivision thereof of the state or a member of the judiciary, including a member of a board, commission, or committee except a legislator and an employee under contract to the state.

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(4)(5) "Financial interest" means an interest held by an individual, ~~his~~ or by the individual's spouse; or minor children ~~which that is:~~

- (a) an ownership interest in a business;
- (b) a creditor interest in an insolvent business;
- (c) an employment or prospective employment for which negotiations have begun;
- (d) an ownership interest in real or personal property;
- (e) a loan or other debtor interest; or
- (f) a directorship or officership in a business.

(5)(6) "Official act" or "official action" means a vote, decision, recommendation, approval, disapproval, or other action, including inaction, ~~which that~~ involves the use of discretionary authority.

(6)(7) "Public officer" includes ~~any a~~ state officer ~~except a legislator or member of the judiciary or any an~~ elected officer of any a subdivision of the state. The term does not include a legislator or a member of the judiciary.

(7)(8) "State agency" includes the state; the legislature and its committees; all executive departments, boards, commissions, committees, bureaus, and offices; the university system; and all independent commissions and other establishments of the state government except the courts.

(8)(9) "State officer" includes all elected officers and directors of the executive branch of state government as defined in 2-15-102."

Section 2. Section 2-2-103, MCA, is amended to read:

"2-2-103. Public trust. (1) The holding of public office or employment is a public trust, created by the confidence ~~which that~~ the electorate reposes in the integrity of public officers, legislators, and employees. A public officer, legislator, or employee shall carry out ~~his~~ the individual's duties for the benefit of the people of the state.

(2) A public officer, legislator, or employee whose conduct departs from ~~his~~ the individual's fiduciary duty is liable to the people of the state as a trustee of property, and is liable to a beneficiary under 72-34-105, ~~and shall suffer such other liabilities as~~ The individual is subject to the liability that a private fiduciary would suffer for an abuse of ~~his~~ trust. The county attorney of the county where the trust is violated or the commissioner may bring appropriate judicial proceedings on behalf of the people. ~~Any moneys~~ Money collected in ~~such actions shall an action must~~ be paid to the general fund of the aggrieved agency.

(3) ~~The following sections set~~ This part sets forth:

- (a) various rules of conduct, the transgression of any of which is, ~~as such,~~ a violation of fiduciary duty; and
- (b) various ethical principles, the transgression of any of which is not, ~~as such,~~ a violation of fiduciary duty."

Section 3. Section 2-2-121, MCA, is amended to read:

"2-2-121. Rules of conduct for state officers and state employees. (1) Proof of commission of ~~any an~~ act enumerated in

this section is proof that the actor has breached his a fiduciary duty.

(2) A state officer or a state employee may not:

(a) use state time, facilities, or equipment for his the individual's private business purposes;

(b) engage in a substantial financial transaction for his the individual's private business purposes with a person whom he the individual inspects or supervises in the course of his official duties;

(c) assist ~~any~~ a person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from his the individual's agency;

(d) assist ~~any~~ a person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from ~~any~~ a state agency;

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he the individual either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom he the individual regulates in the course of his official duties without first giving written notification to his the individual's supervisor and department director.

(3) A state officer may not, within 2 years following termination of employment, represent, whether as an attorney or other advocate, a private interest before the agency that employed the former official on particular cases or matters in which the former official was personally and substantially involved during state employment.

(4) A department head or a member of a quasi-judicial or rulemaking board may perform an official act notwithstanding subsection (2)(e) if his participation is necessary to the administration of a statute and if he the individual complies with the voluntary disclosure procedures under 2-2-131.

(4)(5) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless he the member is also a full-time state employee.

(6) A state officer or employee who violates the provisions of subsection (2) may be reprimanded or suspended."

Section 4. Section 2-2-131, MCA, is amended to read:

"2-2-131. Voluntary disclosure. A public officer or employee may, prior to acting in a manner ~~which that~~ may impinge on his a fiduciary duty, disclose the nature of his the private interest ~~which that~~ creates the conflict. He The public officer or employee shall make the disclosure in writing to the ~~secretary of state commissioner~~, listing the amount of his the financial interest, if any, the purpose and duration of his services rendered, if any, and the compensation received for the services or such other information as is necessary to describe his the interest. If he the public officer or employee then performs the official act involved, he the individual shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act."



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Section 5. Section 2-2-132, MCA, is amended to read:

"2-2-132. Powers of the ~~secretary of state~~ commissioner -- investigation -- hearing. (1) ~~The secretary of state commissioner~~ may:

(1)(a) issue advisory opinions with ~~such~~ deletions ~~as are~~ necessary to protect the identity of the requesting party or the party about whom the opinion is written;

(2)(b) keep and permit reasonable public access to ~~voluntary~~ disclosure statements;

(3)(c) make rules for the conduct of ~~his~~ affairs under this part;

(d) publish a practical guide to assist public officers, state officials, and employees in understanding the ethical principles and conflict of interest disclosure requirements of this part.

(2) Upon the filing of a complaint alleging a violation of 2-2-104 or 2-2-121, the commissioner shall investigate the complaint. If the commissioner determines that there are grounds for the complaint, the commissioner may refer the matter to the county attorney having jurisdiction of the matter or may conduct a contested case hearing. If the commissioner determines that a violation of 2-2-104 or 2-2-121 has occurred, the commissioner may issue a public reprimand or impose a civil penalty not to exceed \$500 on the violator. Civil penalties collected under this subsection must be deposited in the general fund."

Section 6. Section 5-7-213, MCA, is amended to read:

"5-7-213. Disclosure by ~~elected~~ public officials. (1) Prior to December 15 of each even-numbered year, each ~~elected~~ public official or official-elect shall file with the commissioner a business disclosure statement on a form provided by the commissioner under penalty for false swearing, as provided in 45-7-202. The statement shall must provide the following information: the name, address, and type of business of ~~such~~ the individual and each member of ~~such~~ the individual's immediate family. For ~~this~~ purpose purposes of this section, "immediate family" ~~includes~~ means the individual's spouse and minor children only.

(2) ~~No such individual~~ A public official or official-elect may not assume or continue to exercise the powers and duties of the office to which that individual has been elected or appointed until ~~such~~ the statement has been filed.

(3) The commissioner shall require a public official or official-elect to report additional financial data, which the commissioner may prescribe by rule, if the commissioner has reasonable grounds to believe that there is a violation of a provision of 2-2-103, 2-2-104, 2-2-121, 2-2-125, or 2-2-131. The financial data required may include but is not limited to information on income, securities and other investments, debts and creditors, and gifts or favors.

(4) The commissioner shall make ~~such~~ business disclosure statements available to any individual upon request."

Section 7. Section 5-11-203, MCA, is amended to read:



"5-11-203. Distribution of senate and house journals and session laws. (1) Immediately after the senate and house journals and the session laws are bound, the legislative council shall distribute them.

(2) The council shall distribute the house and senate journals as follows:

(a) to each county clerk, one copy of each for the use of the county;

(b) to the Montana state library, 20 copies of each for the use of the library and distribution to depository libraries, of which two copies will be deposited with the state historical library for security purposes;

(c) to the state law librarian, two copies of each for the use of the library and such additional copies as may be necessary for the purposes of exchange;

(d) to the library of congress and each public officer as defined in 2-2-102, two copies of each; and

(e) to each member of the legislature, the secretary of the senate, and the chief clerk of the house of representatives from the session at which the journals were adopted, one copy of each.

(3) The council shall distribute the session laws as follows:

(a) to each cabinet level department of the executive branch of the United States, one copy each; to any agency, commission, conference, or corporation established by the United States government or any other subdivision thereof upon request and approval by the legislative council, one copy;

(b) to the library of congress, eight copies;

(c) to the state library, two copies;

(d) to the state historical library, two copies;

(e) to the state law librarian, four copies for the use of the library and such additional copies as may be required for exchange with libraries and institutions maintained by other states and territories and public libraries;

(f) to the library of each custodial institution, one copy;

(g) to each Montana member of congress, each United States district judge in Montana, each of the judges of the state supreme and district courts, and each of the state officers as defined in 2-2-102(8), one copy;

(h) to any agency, board, commission, or office of the state other than a state officer and to any other subdivision of the state upon request and approval by the legislative council, one copy;

(i) to each member of the legislature, the secretary of the senate, and the chief clerk of the house of representatives from the session at which the laws were adopted, one copy;

(j) to each of the community college districts of the state, as defined in 20-15-101, and each unit of the Montana university system, one copy;

(k) to each county clerk, three copies for the use of the county; and

(l) to each county attorney and to each clerk of a district court, one copy."

And, as amended, do pass. Report adopted.

**HB 319**, introduced bill, be amended as follows:

1. Page 2, lines 3 through 5 and lines 6 through 8.

Strike: "annual legislative sessions of 30 days in even-numbered years and 60 days in odd-numbered years"

Insert: "legislative sessions of 60 days in odd-numbered years and limited sessions of 30 days in even-numbered years"

And, as amended, do pass. Report adopted.

**HB 320**, introduced bill, do pass. Report adopted.

**HB 479**, introduced bill, be amended as follows:

1. Page 10, line 5.

Strike: "\$50,000"

Insert: "\$10,000 for a first-class city and \$2,500 for any other local governing body"

And, as amended, do pass. Report adopted.

**HB 485**, introduced bill, do pass. Report adopted.

**HJR 13**, introduced bill, do pass. Report adopted.

**HJR 17**, introduced bill, do pass. Report adopted.

#### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

2/16/93

**HB 39**, introduced by Ewer

**HB 96**, introduced by Ream

**HB 159**, introduced by Pavlovich

**HB 160**, introduced by DeBruycker

**HB 179**, introduced by Ryan

**HB 180**, introduced by Anderson

**HB 209**, introduced by Grady

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

2/16/93

**HB 44**, introduced by Ewer

**HB 149**, introduced by Larson

**HB 169**, introduced by Ewer

**HB 197**, introduced by Quilici

Senate bills passed and transmitted to the House for concurrence:

2/16/93

**SB 218**, introduced by Yellowtail

**SB 298**, introduced by Bartlett

Governor's amendments to Senate bill concurred in:

2/16/93

**SB 67**, introduced by Yellowtail

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 16, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 8 and 47 on February 16, 1993.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 636**, introduced by Pavlovich, Daily, Harrington, Quilici, D. Brown, J. Johnson, McCarthy, Menahan, Larson, Beck, Grady, Cocchiarella, Hansen, referred to Committee on Human Services and Aging

**HB 637**, introduced by Ryan, Christiaens, Vogel, Larson, Barnhart, Strizich, S. Rice, Brooke, Driscoll, Russell, Stanford, Dolezal, Gervais, L. Nelson, Hayne, Peterson, D. Brown, Whalen, Galvin, McCulloch (by request of the State Auditor), referred to Committee on Business and Economic Development

**HB 638**, introduced by Grimes (by request of the Department of Family Services), referred to Committee on Judiciary

**HB 639**, introduced by Driscoll, Halligan, referred to Committee on Taxation

**HB 640**, introduced by Driscoll, Gilbert, Foster, Harrington, Dolezal, Keller, Orr, T. Nelson, Ream, McCarthy, Anderson, M. Hanson, Feland, Tunby, Bohlinger, Hibbard (by request of the House Taxation Committee), referred to Committee on Taxation

**HB 641**, introduced by Foster, Gilbert, Harrington, Dolezal, Keller, McCarthy, Anderson, Orr, T. Nelson, M. Hanson, Feland, Tunby, McCaffree, Bohlinger, Driscoll, Hibbard (by request of the House Taxation Committee), referred to Committee on Taxation

**HB 642**, introduced by Raney, Fritz, Bardanouve, Gilbert, Strizich, Pipinich, Harper, Wanzenried, Dowell, McCulloch, Swanson, Driscoll, Kadas, Knox, Brooke, Zook, Vogel, Ream, Rye, Stovall, Eck, Harp, Toole, Gervais, Harrington, Forrester, Gage, J. Johnson, Beck, Schye, Nathe, Cocchiarella, Herron, McCarthy, Dolezal, Peck, Menahan, Bartlett, Jergeson, Bergsagel, Wyatt, Weldon, Klampe, Tveit, McCaffree, Bachini, Russell, Larson, Squires, Grady, J. Rice, Elliott, Cobb, Quilici, D. Brown, L. Nelson, Hansen, Daily, R. Johnson, Endy, Yellowtail, Ewer, Molnar, Ryan, Spring, Tunby, Stang, Schwinden, Tuss, Whalen, Galvin, Stanford, Weeding, Lynch, Jacobson, referred to Committee on Appropriations

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Daily in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 82** - Representative Wiseman moved HB 82 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82

Noes: Barnhart, Boharski, Daily, DeBruycker, Feland, Fisher, Gilbert, Grinde, Kasten, Molnar, L. Nelson, Rehbein.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Benedict, Gervais, Hibbard, Raney, Russell, Schye.  
Total 6

**HB 280** - Representative Toole moved consideration of HB 280 be placed below HB 350 on the second reading board. Motion carried.

**HB 318** - Representative S. Rice moved HB 318 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84



Noes: Barnhart, Bergsagel, Cobb, DeBruycker, Feland, Fisher, Grady, Harper, Kasten, McCaffree, Peterson, Raney.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Cocchiarella, Dowell, Molnar, Strizich.  
Total 4

**HB 336** - Representative Bird moved HB 336 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Kadas.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Driscoll, Gervais, Schye, Strizich.  
Total 4

**HB 350** - Representative Mason moved consideration of HB 350 be passed for the day. Motion carried.

**HB 280** - Representative Toole moved HB 280, second reading copy, be amended as follows (amendment #1):

1. Page 12, line 1.  
Following: "body."  
Insert: "(1)"

2. Page 12, line 4.  
Strike: "(1)"  
Insert: "(a)"

3. Page 12, line 8.  
Strike: "(2)"  
Insert: "(b)"

4. Page 12, line 12.

Following: line 11

Insert: "(2) "This section does not create a new cause of action."

Amendment #1 passed as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bachini, Galvin, Mills, Peck.

Total 4

Excused: None.

Total 0

Absent or not voting: Bardanouve, Larson.

Total 2

Representative Gilbert moved HB 280, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wanzenried, Whaler, Winslow, Wiseman, Zook, Mr. Speaker.

Total 79

Noes: Bachini, Barnhart, Bergsagel, Boharski, Brown, Cobb, Cocchiarella, Dowell, Feland, Galvin, Kasten, Keller, McCaffree, Molnar, Peck, Peterson, Stanford, Vogel, Wagner, Wallin, Wyatt.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 374** - Representative Ewer moved HB 374 do pass.

Representative Cobb made a substitute motion HB 374, second reading copy, be amended as follows (amendment #1):

1. Page 7, line 8.

Following: "deposited"

Strike: "as provided for under 75-5-634"

Insert: "in the general fund"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Driscoll, Pavlovich, Winslow.

Total 3

Representative Cobb moved HB 374, second reading copy, be further amended as follows (amendment #2):

1. Page 4, lines 19 through 21.

Following: "the" on line 19

Insert: "specific"

Following: "action"

Strike: remainder of line 19 through "1" on line 21

2. Page 4, line 21.

Following: "1"

Insert: "(d) the estimated costs of compliance with the action;

(e) where to receive help to correct the alleged violation;

(f) the amount of the administrative penalty that will be assessed if the corrective action is not taken within the time provided under subsection (1)(g);"

3. Page 4, line 22.

Strike: "(d)"

Insert: "(g)"

4. Page 4, lines 23 and 24.

Following: "penalty" on line 23

Strike: remainder of line 23 through "paid" on line 24

Insert: "that will be assessed"

5. Page 4, line 25.

Following: "."

Insert: "An administrative penalty may not be assessed until the provisions of subsection (1) have been complied with."

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Winslow.

Total 1

Representative Ewer moved HB 374, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,



Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: DeBruycker, Feland, Hayne, Orr, Wagner.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Hibbard.  
Total 1

**HB 380** - Representative Ewer moved consideration of HB 380 be passed for the day. Motion carried.

**HB 398** - Representative J. Johnson moved HB 398, second reading copy, be amended as follows (amendment #1):

1. Page 1, lines 13 and 14.  
Strike: "-- exclusion of nonresident students"

2. Page 3, lines 14 through 17.  
Strike: subsection (4) through "purposes."

3. Page 9, line 25.  
Strike: "-- exclusion of nonresident students"

4. Page 11, lines 21 through 24.  
Strike: subsection (4) in its entirety  
Renumber: subsequent subsections

5. Page 12, line 17.  
Strike: "(5)"  
Insert: "(4)"

6. Page 13, line 25.  
Strike: "(12)"  
Insert: "(11)"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel,

Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Hibbard, J. Rice.

Total 2

Representative J. Johnson moved HB 398, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Boharski, Fisher, Grinde, Hayne, Peterson, Rehbein, Simpkins.

Total 8

Excused: None.

Total 0

Absent or not voting: Brandewie, Gilbert, Winslow.

Total 3

**HB 408** - Representative Brandewie moved HB 408, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (42-55)

Representative Ellis moved HB 408, second reading copy, be amended as follows (amendment #2):

1. Page 4, line 21.

Strike: "[A]"

2. Page 5, lines 8 through 15.

Strike: subsection (B) in its entirety

3. Page 5.

Following: line 15

February 17, 1993

Insert: "(15) "Tract of record" means a parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office."

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Barnhart, Brandewie, Fisher, McCaffree, Ryan, Wyatt.

Total 6

Excused: None.

Total 0

Absent or not voting: Boharski, Ellis, Keller, Molnar, Pavlovich.

Total 5

Representative Gilbert moved HB 408, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Bachini, Benedict, Bergsagel, Boharski, Brown, Cobb, DeBruycker, Ellis, Feland, Galvin, Grady, H.S. Hanson, Hayne, Kasten, Keller, McCaffree, Molnar, Peterson, Sayles, Simpkins, Vogel, Wagner.

Total 22

Excused: None.

Total 0

Absent or not voting: Brandewie.

Total 1

**HB 443** - Representative McCulloch moved HB 443 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Brown, Molnar, Ryan, Smith.

Total 4

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

**HB 489** - Representative R. Johnson moved HB 489 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Wallin.

Total 1

Excused: None.

Total 0



Absent or not voting: Anderson.

Total 1

**HB 494** - Representative Dowell moved HB 494 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergman, Bergsagel, DeBruycker, Feland, Gilbert, Grinde, Hayne, Kasten, Molnar, Peterson, Rehbein, J. Rice, Spring, Vogel.

Total 14

Excused: None.

Total 0

Absent or not voting: Herron.

Total 1

**HB 520** - Representative Raney moved HB 520 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Bachini, Bergman, Brandewie, Feland, Grady, Hayne, Herron, Kasten, Mills, Molnar, Orr, Peck, Peterson, Tash, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: Cobb, Grinde.

Total 2

**HB 521** - Representative Davis moved HB 521 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Cobb, Rose.

Total 2

**HB 538** - Representative Foster moved HB 538 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ellis, Pavlovich, Simon.  
Total 3

**HB 543** - Representative Ewer moved HB 543 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Mason, Peterson, Rehbein, Rose, Spring.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 544** - Representative Smith moved consideration of HB 544 be passed for the day. Motion carried.

**HB 566** - Representative Swanson moved HB 566 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.  
Total 0

Excused: None.

Total 0

Absent or not voting: Galvin.

Total 1

**HB 575** - Representative DeBruycker moved HB 575 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Feland, Harper, Pavlovich, J. Rice, Rose, Simon.

Total 6

Excused: None.

Total 0

Absent or not voting: McCulloch, Strizich.

Total 2

**HB 577** - Representative Brown moved HB 577 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0



Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Pavlovich assumed the Chair at this time.

**HJR 10** - Representative Gervais moved HJR 10 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bergman, Mills, Orr, S. Rice.

Total 4

**HJR 11** - Representative Daily moved HJR 11 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Molnar, Rehbein.

Total 3

Excused: None.

Total 0

Absent or not voting: Hayne.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Pavlovich moved the adoption of the committee report. Report adopted. (92-6)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 73** failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 50

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 208** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring,

Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 287** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Brown, Cocchiarella, DeBruycker, Dowell, Driscoll, Ewer, Harper, L. Nelson, Peck, Ream, Strizich, Toole, Whalen.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Mills, Rehbein.  
Total 2

**HB 366** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Cocchiarella, Dowell, Driscoll, McCaffree, Russell.

Total 5

Excused: None.

Total 0

Absent or not voting: Kadas.

Total 1

**HB 413** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: S. Rice.

Total 1

**HB 417** passed as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Daily, Dolezal, Elliott, Endy, Ewer, Fagg, Fisher, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Mr. Speaker.

Total 68

Noes: Anderson, Bachini, Bergsagel, Brown, Cobb, Cocchiarella, Davis, DeBruycker, Dowell, Driscoll, Ellis, Feland, Foster, Galvin, Grady, Grinde,



Hayne, Herron, Kasten, McCaffree, Molnar, L. Nelson, Orr, Peck, Peterson, Rehbein, Ryan, Sayles, Stovall, Winslow, Zook.

Total 31

Excused: None.

Total 0

Absent or not voting: Barnett.

Total 1

**HB 423** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Cocchiarella, Driscoll.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 472** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Davis, DeBruycker, Dolezal, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Rehbein, J. Rice, S. Rice, Rose, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 63

Noes: Bachini, Barnhart, Bergsagel, Brooke, Brown, Cocchiarella, Daily, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Gilbert, Harper, Kadas, Larson, McCaffree, McCarthy, McCulloch, Molnar, Peck, Quilici, Raney, Ream, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Tuss, Wanzenried, Wyatt.

Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 493** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Feland, Hayne, Knox, Mason, Orr, Peterson, Rehbein, Ryan, Sayles, Simpkins, Smith, Spring.

Total 12

Excused: None.

Total 0

Absent or not voting: Dowell, Keller, McCulloch, Swanson.

Total 4

**HB 496** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Benedict.

Total 1

**HB 499** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Cocchiarella, DeBruycker, Dowell, Driscoll.

Total 4

Excused: None.

Total 0

Absent or not voting: S. Rice.

Total 1

**HB 509** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Brandewie, Ewer, Hansen, Hayne, Rehbein, Smith.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 526** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Brown, Cocchiarella, DeBruycker, Dowell, Driscoll, Gervais, Molnar, T. Nelson, Ream, Russell, Tunby, Whalen.  
Total 12

Excused: None.  
Total 0

Absent or not voting: J. Rice.  
Total 1

**HB 565** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Gilbert, Rehbein.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Knox.  
Total 1



**HJR 14** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Cocchiarella, Driscoll, R. Johnson, T. Nelson.

Total 4

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

**SB 33** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, Driscoll, Peterson.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**MOTIONS**

Representative Harrington moved the rules be suspended to permit placement and consideration of HB 73 on third reading the next legislative day. Motion failed.

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 616: Blaylock, Rye, Harp, Crippen, Hager, Winslow, Bohlinger, Stovall, Molnar, Simon, Mills, Fagg, Vogel.

The following sponsors were added to HJR 19: Barnett, Mills, Herron, Peck, Cobb, Simon, Kasten, Wiseman.

**REPORTS OF STANDING COMMITTEES**

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman):

2/17/93

**HB 213**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "OF"

Insert: "COUNTY"

2. Page 1, line 20.

Strike: "and state"

And, as amended, do pass and be placed on the consent calendar. Report adopted.

**HB 516**, introduced bill, be amended as follows:

1. Page 3, line 14.

Following: "department"

Insert: "of livestock"

And, as amended, do pass. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

2/17/93

**HB 273**, introduced bill, be amended as follows:

1. Title, line 11.

Strike: "AGENT"

Insert: "GLASS BROKER"

Strike: "EITHER"

2. Title, line 12.

Strike: "AGENT OR INSURANCE COMPANY"

Insert: "GLASS BROKER"

3. Title, line 14.

Following: line 13

Insert: "DEFINING GLASS BROKER;"

Following: "BY A"

Insert: "GLASS"

4. Title, line 15.

Following: "SHOP"

Strike: "THAT"

Insert: "AS A CONDITION TO DOING GLASS REPLACEMENT OR GLASS  
REPAIR WORK WHEN THE PRICE"

5. Title, lines 17 and 18.

Strike: "CREDITS AGAINST INSURANCE DEDUCTIBLES"

Insert: "INCENTIVES"

6. Title, line 19.

Strike: line 19 through "MCA"

Insert: "GRANTING ENFORCEMENT AUTHORITY TO THE INSURANCE  
COMMISSIONER"

7. Page 1, line 23.

Strike: "(a)"

8. Page 2, line 1.

Following: "not"

Insert: ":

(a)"

9. Page 2, line 5.

Following: "policy"

Strike: "."

Insert: "; or"

10. Page 2, lines 6 and 7.

Following: "(b)"

Strike: the remainder of line 6 through "not" on line 7

11. Page 2, line 10.

Page 2, line 14.

Page 3, line 6.

Following: "replacement,"

Insert: "glass"

12. Page 2, line 11.

Page 2, line 15.

Page 3, line 6.

Following: ", or"

Insert: "glass"

13. Page 2, line 11.

Following: "products"

Insert: "insured in whole or in part under the terms of an insurance policy"

14. Page 2, line 15.

Following: "if"

Insert: "some of"

15. Page 2, lines 16 through 20.

Following: "insured" on line 16

Strike: remainder of line 16 through "products" on line 20

16. Page 2, lines 23 through 25.

Following: "(b)" on line 23

Strike: remainder of line 23 through line 25

Insert: "The"

17. Page 3, lines 1 and 2.

Following: "insured" on line 1

Strike: remainder of line 1 through "used" on line 2

Insert: "may use a nonlisted shop or location"

18. Page 3, line 3.

Following: "discretion"

Insert: ", "

Following: "and"

Strike: "that"

Insert: "subject to the provisions of subsections (2)(c) and (3),"

19. Page 3, lines 4 and 5.

Following: "pay" on line 4

Strike: remainder of line 4 through "2]," on line 5

20. Page 3, lines 8 through 12.

Strike: lines 8 through 12 in their entirety

Insert: "(c) If the insured does not use a list as provided in subsection (2)(a), the insurer may require the insured to obtain not more than three competitive bids to establish the cost of automobile glass replacement, glass repair services, or glass products provided.

(3) This section does not require an insurer to pay more for automobile glass replacement, glass repair services, or glass products than the lowest prevailing market price as defined in [section 2]."

Renumber: subsequent subsection

21. Page 3, line 14.

Strike: "and (2)"

Insert: "through (3)"

22. Page 3, lines 19 through 24.

Following: "area" on line 19

Strike: remainder of line 19 through "products" on line 24

23. Page 4, line 2.

Following: "activities"

Insert: "-- glass broker defined"



24. Page 4, lines 5 through 7.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

25. Page 4, line 9.

Strike: "an agent"

Insert: "a glass broker"

26. Page 4, lines 9 and 10.

Strike: "insurance company or the agent"

Insert: "glass broker"

27. Page 4, line 10.

Page 4, line 16.

Following: "by a"

Insert: "glass"

28. Page 4, line 11.

Page 4, line 15.

Page 4, line 17.

Page 4, line 21.

Following: "or"

Insert: "glass"

29. Page 4, line 14.

Following: "requires a"

Insert: "glass"

30. Page 4, line 22.

Following: "claim"

Insert: "or a set fee"

31. Page 4, lines 23 and 24.

Following: "to the"

Insert: "glass"

32. Page 4, lines 23 and 24.

Strike: "or bills the insurance company"

33. Page 5, line 1.

Following: page 4

Insert: "(3) As used in this section, "glass broker" means an automobile glass company that acts as a third-party agent for the insurer for the purpose of entering into agreements with other automobile glass dealers to perform glass replacement or glass repair work."

34. Page 5, line 1.

Following: "Rebates"

Insert: "and incentives"

35. Page 5, line 3.

Following: "not"

Insert: ";

(a)"

36. Page 5, line 6.

Following: "policy"

Insert: "; or

(b) pay a sum or incentive to an individual or entity for directing glass replacement or repair or the purchase of a glass product"

37. Page 5, line 10 through page 7, line 21.

Strike: sections 5 through 7 in their entirety

Insert: "NEW SECTION. Section 5. Desist orders for prohibited practices.

Violations of [sections 1 through 4] are subject to cease and desist orders of the commissioner issued under 33-18-1004."

Renumber: subsequent section

38. Page 7, line 22.

Following: "instruction."

Insert: "(1)"

39. Page 7, lines 24 and 25.

Strike: "30"

Insert: "33"

Strike: "14"

Insert: "18"

40. Page 8, line 2.

Following: line 1

Insert: "(2) [Section 5] is intended to be codified as an integral part of Title 33, chapter 18, part 10, and the provisions of Title 33, chapter 18, part 10, apply to [section 5]."

And, as amended, do pass. Report adopted.

**HB 593**, introduced bill, do pass. Report adopted.

**HB 594**, introduced bill, do pass. Report adopted.

**HB 476**, introduced bill, do pass. Report adopted.

JUDICIARY (Fagg, Chairman):

2/17/93

**HB 555**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Strike: "REQUIRING GOVERNMENTAL ENTITIES TO PAY FOR CERTIFICATIONS;"

2. Title, line 13.

Following: "25-1-201"

Strike: ", 25-10-405,"

3. Page 5, line 23 through page 6, line 9.

Strike: section 2 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 551**, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "course"

Insert: "offered by a chemical dependency program"

2. Page 1, line 14.

Following: "services"

Insert: "under 53-24-208"

Following: "."

Insert: "The sentencing judge may include in the sentencing order a condition that the person shall undergo chemical dependency treatment if a certified chemical dependency counselor working with the person recommends treatment."

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (T. Nelson, Chairman): 2/17/93

**HB 617**, introduced bill, be amended as follows:

1. Title, line 21.

Following: ";

Insert: "AND"

2. Title, line 23.

Following: "MCA"

Strike: the remainder of line 23 through "DATE"

3. Page 14, lines 2 and 3.

Strike: Section 6 in its entirety

And, as amended, do pass. Report adopted.

**HB 621**, introduced bill, do pass. Report adopted.

**HJR 16**, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/17/93

**HB 395**, introduced bill, do pass. Report adopted.

**HB 488**, introduced bill, be amended as follows:

1. Page 3, lines 1 through 3.

Strike: "The" on line 1 through "lost." on line 3

Insert: "The department shall, to the extent practicable, harvest dead and dying timber before there is substantial wood decay and value loss."

2. Page 3, lines 11 and 12.

Strike: "76, chapter 13, part 3,"

Insert: "77, chapter 5,"

And, as amended, do pass. Report adopted.

**HB 454**, introduced bill, be amended as follows:

1. Title, line 5 through line 7.

Strike: "CHANGING" on line 5 through "YEAR;" on line 7

Insert: "CLARIFYING THE DEFINITION OF "MEGALANDFILL";"

Strike: "75-10-902," on line 7

2. Page 1, line 11 through page 2, line 8.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 3, line 16.

Following: "(7)"

Insert: "(a)"

Following: "means"

Insert: ", except as provided in subsection (7)(b),"

4. Page 3, line 18.

Strike: "300,000".

Insert: "200,000"

5. Page 3.

Following: line 20

Insert: "(b) An existing solid waste landfill facility that accepted 100,000 tons a year of solid waste as of December 31, 1991, is not considered a megalandfill or facility until it accepts more than 300,000 tons a year of solid waste."

6. Page 5, line 7.

Strike: "300,000"

Insert: "200,000"

Following: "tons"

Insert: "for a new or existing megalandfill or facility not subject to 75-10-903(7)(b); or

(iii) 20 cents per ton of waste over 300,000 tons for an existing megalandfill or facility pursuant to 75-10-903(7)(b)"

7. Page 7, line 22.

Following: "(4)"

Insert: "(a)"

Following: "means"

Insert: ", except as provided in subsection (4)(b),"

8. Page 7, line 24.

Strike: "300,000"

Insert: "200,000"

9. Page 8.

Following: line 1

Insert: "(b) An existing solid waste landfill facility that accepted 100,000 tons a year of solid waste as of December 31, 1991, is not considered a megalandfill or facility until it accepts more than 300,000 tons a year of solid waste."



And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 643**, introduced by D. Brown, referred to Committee on Taxation

**HB 644**, introduced by D. Brown, Fagg, referred to Committee on Local Government

**HB 645**, introduced by Schye, Gilbert, Brandewie, Keller, referred to Committee on Local Government

**HB 646**, introduced by Peterson, Forrester, Quilici, Fritz (by request of the Subcommittee on General Government and Highways), referred to Committee on Appropriations

**HB 647**, introduced by Bergsagel, Grinde, Tash, Clark, Knox, Mason, Fisher, Zook, Stovall, T. Nelson, Orr, Vogel, DeBruycker, Grimes, M. Hanson, Kasten, Bird, Boharski, Simon, Bohlinger, Simpkins, Rehbein, referred to Committee on Appropriations

**HB 648**, introduced by Anderson, Keller, Schwinden, Spring, Bird, Bachini, Davis, Brandewie (by request of the House Committee on Agriculture), referred to Committee on Agriculture, Livestock, and Irrigation

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Thursday, February 18, 1993. Motion carried.

House adjourned at 3:08 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## FORTIETH LEGISLATIVE DAY

Helena, Montana  
February 18, 1993

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ryan. Pledge of Allegiance to the Flag.

Roll call. All members present except Galvin, Hayne, McCulloch, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-sixth and thirty-seventh legislative days, find the same to be correct.

Ed Grady, Vice-Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/18/93

Correctly printed for second reading: HB 227, HB 273, HB 319, HB 320, HB 395, HB 411, HB 433, HB 440, HB 454, HB 476, HB 478, HB 479, HB 482, HB 483, HB 485, HB 488, HB 502, HB 506, HB 516, HB 525, HB 550, HB 551, HB 555, HB 559, HB 561, HB 573, HB 574, HB 593, HB 594, HB 617, HB 621, HJR 13, HJR 16, HJR 17.

Correctly engrossed for third reading: HB 82, HB 213, HB 280, HB 318, HB 336, HB 364, HB 374, HB 398, HB 408, HB 443, HB 489, HB 494, HB 510, HB 520, HB 521, HB 528, HB 538, HB 543, HB 566, HB 575, HB 577, HB 584, HJR 10, HJR 11.

Correctly enrolled: HB 86, HB 99, HB 137, HB 161, HB 178.

Examined by the sponsor and found to be correct:

HB 39 - Ewer  
HB 96 - Ream  
HB 159 - Pavlovich  
HB 160 - DeBruycker  
HB 179 - Ryan  
HB 209 - Grady

Delivered to the Governor for his approval at 4:18 p.m., 2/17/93: HB 41, HB 101, HB 103, HB 119, HB 165, HB 182, HB 194, HB 224.

APPROPRIATIONS (Zook, Chairman): 2/17/93

**HB 373**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "FOR"

Insert: "CERTAIN"

2. Page 1, line 16.

Following: "deposited"

Insert: "that is in excess of general and pay plan appropriations"

And, as amended, do pass. Report adopted.

**HB 428**, introduced bill, do pass. Report adopted.

**HB 471**, introduced bill, be amended as follows:

1. Title, line 7.

Strike: ", AND SUCCEEDING YEARS"

Following: ";

Insert: "PROVIDING THAT THE FUND BALANCE IN THE EQUALIZATION  
AID ACCOUNT BE TRANSFERRED TO THE GENERAL FUND AT  
THE END OF EACH FISCAL YEAR;"

2. Title, line 13.

Following: "20-9-319,"

Insert: "20-9-343,"

3. Page 1, lines 20 and 21.

Following: "fiscal" on line 20

Strike: "year"

Insert: "years"

Following: "and" on line 20

Strike: remainder of line 20 through "years" on line 21

Insert: "1995"

4. Page 1, line 22.

Following: "and"

Strike: "succeeding school years"

Insert: "the school fiscal year ending June 30, 1995"

5. Page 3, line 16.

Strike: "year"

Insert: "years"

Following: "and"

Strike: "succeeding years"

Insert: "1995"

6. Page 3, lines 17 and 18.

Following: "and"

Strike: remainder of line 17 through "years" on line 18

Insert: "the school fiscal year ending June 30, 1995"

7. Page 5, line 1.

Following: page 4, line 25

Insert: "Section 3. Section 20-9-343, MCA, is amended to read:

"20-9-343. (Temporary) Definition of and revenue for state  
equalization aid. (1) As used in this title, the term "state  
equalization aid" means the money deposited in the state special  
revenue fund as required in this section plus any legislative  
appropriation of money from other sources for:

(a) distribution to the public schools for the payment of  
guaranteed tax base aid and for equalization of the foundation  
program;

(b) the Montana educational telecommunications network  
as provided in 20-32-101; and

(c) filing fees for school district audits as required by 2-7-  
514(2).



(2) The superintendent of public instruction may spend funds appropriated for state equalization aid, as required by subsections (1)(a) and (1)(b), throughout the biennium.

(3) The following must be paid into the state special revenue fund for state equalization aid to public schools of the state:

(a) money received from the collection of income taxes under chapter 30 of Title 15, as provided by 15-1-501;

(b) except as provided in 15-31-702, money received from the collection of corporation license and income taxes under chapter 31 of Title 15, as provided by 15-1-501;

(c) money allocated to state equalization from the collection of the severance tax on coal;

(d) money received from the treasurer of the United States as the state's shares of oil, gas, and other mineral royalties under the federal Mineral Lands Leasing Act, as amended;

(e) interest and income money described in 20-9-341 and 20-9-342;

(f) money received from the state equalization aid levy under 20-9-360;

(g) income from the lottery, as provided in 23-7-402;

(h) the surplus revenues collected by the counties for foundation program support according to 20-9-331 and 20-9-333;

(i) investment income earned by investing money in the state equalization aid account in the state special revenue fund; and

(j) 15% of the income and earnings of all coal severance tax funds as provided in 17-5-704.

(4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.

(5) Any surplus revenue in the state equalization aid account in the second year of a biennium may be used to reduce any appropriation required for the next succeeding biennium. (Terminates June 30, 1993--sec. 5, Ch. 729, L. 1991.)

20-9-343. (Effective July 1, 1993) Definition of and revenue for state equalization aid. (1) As used in this title, the term "state equalization aid" means the money deposited in the state special revenue fund as required in this section plus any legislative appropriation of money from other sources for distribution to the public schools for the purposes of payment of guaranteed tax base aid and equalization of the foundation program and for the Montana educational telecommunications network as provided in 20-32-101.

(2) The superintendent of public instruction may spend funds appropriated for state equalization aid as required for the purposes of guaranteed tax base aid, the foundation program, and the Montana educational telecommunications network, throughout the biennium.

(3) The following must be paid into the state special revenue fund for state equalization aid to public schools of the state:

(a) money received from the collection of income taxes under chapter 30 of Title 15, as provided by 15-1-501;

(b) except as provided in 15-31-702, money received from the collection of corporation license and income taxes under chapter 31 of Title 15, as provided by 15-1-501;

(c) money allocated to state equalization from the collection of the severance tax on coal;

(d) money received from the treasurer of the United States as the state's shares of oil, gas, and other mineral royalties under the federal Mineral Lands Leasing Act, as amended;

(e) interest and income money described in 20-9-341 and 20-9-342;

(f) money received from the state equalization aid levy under 20-9-360;

(g) income from the lottery, as provided in 23-7-402;

(h) the surplus revenues collected by the counties for foundation program support according to 20-9-331 and 20-9-333;

(i) investment income earned by investing money in the state equalization aid account in the state special revenue fund; and

(j) 15% of the income and earnings of all coal severance tax funds as provided in 17-5-704.

(4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.

(5) Any surplus revenue in the state equalization aid account ~~in the second at the end of a fiscal year of a biennium may~~ must be used to reduce any appropriation required for the next succeeding biennium transferred to the general fund."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 480**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "ACT"

Strike: "APPROPRIATING"

Insert: "ALLOCATING"

2. Title, line 8.

Following: "MAINTENANCE TRUST FUND;"

Strike: "STATUTORILY APPROPRIATING"

Insert: "ALLOWING EXPENDITURE OF"

3. Title, line 9.

Following: "INCOME"

Strike: "TO"

Insert: "BY"

4. Title, line 12.

Following: "PARKS"

Insert: "AND TO LEGISLATIVE APPROPRIATION"

5. Title, line 12.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

6. Title, line 12.

Following: "15-38-202"

Strike: "AND 17-7-502"

7. Page 4, lines 15 and 16.

Following: "fund"

Strike: "is statutorily appropriated, as provided in 17-7-502, to"

Insert: "must be used, subject to legislative appropriation, by"

8. Page 5, line 3.

Following: "fund"

Insert: ", subject to legislative appropriation,"

9. Page 5, line 9 through page 7, line 4.

Strike: section 4 in its entirety

Re-number: subsequent sections

And, as amended, do pass. Report adopted.

FISH AND GAME (Foster, Chairman):

2/17/93

**HB 314**, introduced bill, be amended as follows:

1. Title, line 6.

Following: "PARKS;"

Insert: "AND"

2. Title, lines 7 through 10.

Strike: ";" on line 7 through "MCA" on line 10

3. Page 2, line 15.

Strike: subsection (3) in its entirety

Re-number: subsequent subsections

4. Page 3, line 1.

Following: "park;"

Insert: "and"

5. Page 3, lines 2 through 5.

Strike: ";" on line 2 through "park" on line 5

6. Page 4, lines 16 and 17.

Strike: "and" on line 16 through "charges" on line 17

7. Page 4, line 18 through page 6, line 3.

Strike: section 5 in its entirety

Re-number: subsequent section

And, as amended, do pass. Report adopted.

**HB 338**, introduced bill, be amended as follows:

1. Page 2, line 6.

Strike: "and"

Insert: "or"

2. Page 6, line 18.

Strike: "big"

Following: "game"

Insert: "animal"

3. Page 7, line 11.

Strike: "big"

Following: "game"

Insert: "animal"

4. Page 9, line 16.

Following: "license"

Insert: "for a specific facility"

5. Page 10, lines 15 and 16.

Following: "livestock" on line 15

Strike: "and the department"

6. Page 16, lines 3 and 6.

Strike: "big"

Following: "game"

Insert: "animal"

And, as amended, do pass. Report adopted.

**HB 341**, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "AN"

Insert: "A DELAYED"

2. Page 1, line 8.

Insert:

**"STATEMENT OF INTENT"**

The purpose of House Bill No. 341 is to improve the effectiveness of existing regulations that prohibit transplanting of fish in Montana waters by clarifying rulemaking authority of the department of fish, wildlife, and parks and the fish, wildlife, and parks commission with regard to transplantation activities. The legislature recognizes that some activities by anglers will be restricted by this legislation. Therefore, it is the intent of the legislature that the department of fish, wildlife, and parks develop rules to alleviate some of those concerns. The commission shall consider rules that permit anglers to fillet their fish in the field and that designate locations within the state where legally taken game fish may be transported in live wells away from the body of water



in which the fish were taken. The department shall prepare these proposed regulations for public review and approval by the fish, wildlife, and parks commission for incorporation in the 1994-95 Montana fishing regulations."

3. Page 1, line 21.

Following: line 20

Insert: "(a) the possession and transportation of legally taken game fish according to rules adopted by the commission;"

Renumber: subsequent subsections

4. Page 3, line 10.

Following: "live fish"

Insert: "away from the body of water in which the fish were taken"

5. Page 3, line 11.

Following: "bait"

Strike: ", away from the body of water in which the fish were taken"

Insert: "and"

6. Page 3, line 13.

Following: "part 6."

Insert: "and this section"

Following: "or"

Insert: "as"

7. Page 3, line 19.

Strike: "July 1, 1993"

Insert: "March 1, 1994"

And, as amended, do pass. Report adopted.

**HB 381**, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

2. Page 6, line 7.

Strike: "on passage and approval"

Insert: "March 1, 1994"

And, as amended, do pass. Report adopted.

**HB 432**, introduced bill, be amended as follows:

1. Title, lines 10 and 11.

Strike: "ALLOWING" on line 10 through "INVESTIGATORS;"  
on line 11

2. Title, line 13.

Strike: "37-47-101,"

3. Page 1, line 20 through page 3, line 22.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 23, line 11 through line 25.

Strike: section 19 in its entirety

Renumber: subsequent sections

5. Page 24, line 8.

Strike: "[Sections 15 and 19] are"

Insert: "[Section 14] is"

6. Page 24, line 10.

Strike: "[sections 15 and 19]"

Insert: "[section 14]"

And, as amended, do pass. Report adopted.

**HB 576**, introduced bill, do pass. Report adopted.

**HB 595**, introduced bill, do pass. Report adopted.

**HB 607**, introduced bill, be amended as follows:

1. Page 1, lines 22 and 23.

Following: "to" on line 22

Strike: remainder of line 22 through "the" on line 23

Insert: "fully meet trust responsibilities for the management of"

Following: "trust" on line 23

Insert: "lands"

2. Page 2, line 12.

Strike: "must"

Insert: "may"

3. Page 3, lines 24 and 25.

Following: "purposes" on line 24

Strike: remainder of line 24 through "of" on line 25

Insert: "may not exceed"

And, as amended, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

2/18/93

**HB 274**, introduced bill, do pass. Report adopted.

**HB 492**, introduced bill, be amended as follows:

1. Page 1, line 18.

Strike: "There"

Insert: "Subject to legislative appropriations, there"

2. Page 2, line 5.

Following: "services from"

Insert: "public or"

3. Page 2, line 6.

Following: "program."

Insert: "Proposals for services to be provided as part of the healthy start program must demonstrate that those services will be provided in cooperation with services offered by any child- and family- serving organizations in the community to be served."

And, as amended, do pass. Report adopted.

**HB 581**, introduced bill, be amended as follows:

1. Page 2, line 20.

Strike: "the"

Insert: "a"

2. Page 2, line 24.

Strike: "Montana people's action"

Insert: "low income groups"

3. Page 3, line 1.

Strike: "and"

4. Page 3.

Following: line 1

Insert: "(m) a representative of the national association of housing and redevelopment officials;

(n) a representative of neighborhood housing services;

(o) a representative of physically disabled persons;

and"

Renumber: subsequent subsection

5. Page 3, lines 4 and 5.

Strike: ", compensated, and reimbursed "

6. Page 3, line 6.

Following: "2-15-122."

Insert: "Members of the task force may not be compensated or reimbursed from state funds for their expenses in performing task force duties."

And, as amended, do pass. Report adopted.

**HJR 15**, introduced bill, do pass. Report adopted.

JUDICIARY (Fagg, Chairman):

2/17/93

**HB 228**, introduced bill, be amended as follows:

1. Title, line 11.

Following: "SECTIONS"

Insert: "40-4-210,"

2. Title, line 13.

Following: "40-5-142,"

Insert: "40-5-202, 40-5-226, 40-5-231, 40-5-263,"

Following: "40-5-272,"

Strike: "AND"

3. Title, line 14.

Following: "40-5-431,"

Insert: "AND 40-6-109,"

4. Page 1, line 20.

Following: line 19

Insert: "WHEREAS, the United States Commission on Interstate Child Support and the National Conference of Commissioners on Uniform State Laws intend [section 21] to require a state support enforcement agency, in a Uniform Interstate Family Support Act (UIFSA) proceeding, to provide locator services upon the request of any individual; and

WHEREAS, the Department of Social and Rehabilitation Services is charged under [section 21] with providing locator services and does not receive a state general fund appropriation for providing locator services; and

WHEREAS, in enacting [section 21] the Legislature of the State of Montana intends the Department of Social and Rehabilitation Services to establish a fee schedule under 40-5-210 for locator services provided to an individual under [section 21]."

5. Page 3, lines 21 and 22.

Following: "part" on line 21

Strike: remainder of line 21 through "┘" on line 22

6. Page 3, line 24.

Strike: "or"

7. Page 3, line 25.

Following: "Act"

Insert: ", or a proceeding initiated by the department of social and rehabilitation services under 40-5-263"

8. Page 4, line 22.

Strike: "┘"

Insert: "or"

9. Page 4, line 24 through page 5, line 1.

Following: "obligee" on page 4, line 24

Strike: remainder of page 4, line 24 through "Act" on page 5, line 1

10. Page 5, line 4.

Following: "individual"

Strike: remainder of line 4

11. Page 5, lines 6 and 7.

Following: the first "child" on line 6

Strike: remainder of line 6 through "Act" on line 7



12. Page 5, lines 19 through 21.

Following: "." on line 19

Strike: remainder of line 19 through line 21 in their entirety

13. Page 6, lines 6 through 8.

Following: "part" on line 6

Strike: remainder of line 6 through "Act," on line 8

14. Page 6, line 9.

Strike: "or"

15. Page 6, line 10.

Following: "Act"

Insert: ", or a proceeding initiated by the department of social and rehabilitation services under 40-5-263"

16. Page 7, line 22.

Strike: "health insurance."

17. Page 8, lines 5 through 11.

Following: "." on line 5

Strike: remainder of line 5 through line 11 in its entirety

18. Page 11, lines 9 through 13.

Strike: subsection (3) in its entirety

19. Page 12, lines 7 and 8.

Following: "state" on line 7

Strike: remainder of line 7 through "with" on line 8

Insert: "pursuant to a law substantially similar to"

20. Page 12, lines 20 and 21.

Following: "has" on line 20

Strike: remainder of line 20 through "has" on line 21

21. Page 13, lines 15 through 18.

Following: "(2)" on line 15

Strike: remainder of line 15 through "." on line 18

22. Page 14, lines 2 and 3.

Following: "(3)" on line 2

Strike: remainder of line 2 through ", a" on line 3

Insert: "A"

23. Page 14, line 4.

Following: "state"

Insert: "that lacks continuing, exclusive jurisdiction over a spousal support order"

24. Page 16, lines 1 and 2.

Following: "person" on line 1

Strike: remainder of line 1 through "to" on line 2

25. Page 16, lines 6 and 7.

Following: "~~person~~" on line 6

Strike: remainder of line 6 through "to" on line 7

26. Page 19, line 9.

Strike: "obligee"

Insert: "individual"

27. Page 20, line 8.

Following: "~~the~~"

Insert: "(1)"

28. Page 20, line 16.

Strike: "(1)"

Insert: "(a)"

29. Page 20, line 21.

Strike: "(2)"

Insert: "(b)"

30. Page 21, line 4.

Following: "."

Insert: "(2) The department of social and rehabilitation services is the initiating tribunal for any action or proceeding that may be brought under Title 40, chapter 5, parts 2, 4[, and 5]. In all other cases, the district court is the initiating tribunal."

31. Page 21, lines 9 through 12.

Following: "shall" on line 9

Strike: remainder of line 9 through ", " on line 12

32. Page 23, line 4.

Following: "."

Insert: "(6) The department of social and rehabilitation services is the responding tribunal for receipt of a petition or comparable proceedings from an initiating state as provided in 40-5-263. In all other cases, the district court is the responding tribunal."

33. Page 24, line 2.

Following: "tribunal,"

Insert: "promptly"

34. Page 24, line 5.

Following: "attorney,"

Insert: "promptly"

35. Page 24, line 9.

Following: "create"

Insert: "or negate"

36. Page 24, line 13.

Following: line 12

Insert: "(4) For purposes of this part, the department of social and rehabilitation services is the support enforcement agency for this state as provided in Title 40, chapter 5, parts 2, 4[, and 5]. All the provisions of this part must be interpreted as supplemental to and cumulative with the department's powers and duties under those provisions. In all other cases, the county attorney in the county in which an action must be filed is the support enforcement agency."

37. Page 25, line 3.

Strike: "and"

38. Page 25, line 6.

Following: "states"

Insert: ";

39. Page 25, line 12.

Strike: "."

40. Page 26.

Following: line 7

Insert: "(c) forward to the appropriate tribunal in the place in this state in which the individual obligee or the obligor resides or in which the obligor's property is believed to be located all documents concerning a proceeding under this part received from an initiating tribunal or the state information agency of the initiating state; and

(d) obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security."

41. Page 26, line 24.

Strike: "obligee"

Insert: "individual"

42. Page 27, line 3.

Strike: "obligee"

Insert: "individual"

43. Page 27, lines 4 and 5.

Strike: "obligee"

Insert: "individual"

44. Page 27, lines 23 and 24.

Following: "a" on line 23

Strike: remainder of line 23 through "Act" on line 24

Insert: "support enforcement"

45. Page 28, lines 9 through 11.

Following: "(1)" on line 9

Strike: remainder of line 9 through "40-5-210" on line 11

Insert: "The petitioner may not be required to pay a filing fee or other costs to initiate a proceeding under this part"

46. Page 28, line 12.

Strike: "In all other cases, if"

Insert: "If"

47. Page 29, line 6.

Following: line 5

Insert: "(4) The standardized schedule of fees established by the department of social and rehabilitation services under 40-5-210 is conclusive in any action under this section. Any fees or costs recoverable under subsection (2) that are not included in the standardized schedules are recoverable under subsection (2)."

48. Page 29, lines 8 and 9.

Strike: "finally" on line 8

Insert: "previously"

Following: "determined" on line 8

Strike: remainder of line 8 through "or" on line 9

49. Page 29, lines 18 and 19.

Following: "forms" on line 18

Strike: remainder of line 18 through "agencies" on line 19

50. Page 30, line 15.

Strike: "an appropriate"

Insert: "a"

51. Page 31, line 25.

Strike: "authorized by law to receive support payments"

52. Page 32, line 2.

Following: "order"

Insert: "as directed under this part"

Following: "or"

Strike: "appropriate"

53. Page 33, lines 2 through 4.

Following: "(1)" on line 2

Strike: remainder of line 2 through ", a" on line 4

Insert: "A"

54. Page 33, line 7.

Strike: "the department"

Insert: "a support enforcement agency of this state"

55. Page 33, line 8.

Strike: "department"

Insert: "support enforcement agency"



56. Page 33, lines 16 and 17.

Strike: "department" on line 16

Insert: "support enforcement agency"

Following: "to" on line 16

Strike: remainder of line 16 through "4" on line 17

Insert: "this part"

57. Page 34, line 22 through page 35, line 1.

Following: "state" on page 34, line 22

Strike: remainder of line 22 through "cases" on page 35, line 1

Renumber: subsequent subsections

58. Page 35, line 2.

Strike: "clerk of"

Insert: "department of social and rehabilitation services pursuant to 40-5-263 or to"

Following: "the"

Insert: "district"

59. Page 44, line 15.

Strike: "and enforce"

60. Page 44, lines 16 and 17.

Strike: "request or" on line 16

Following: "registration"

Strike: remainder of line 16 through "part" on line 17

Insert: ", for the purpose of enforcement"

61. Page 45, lines 4 through 9.

Following: "law" on line 4

Strike: remainder of line 4 through "1" on line 9

62. Page 45, line 10.

Following: line 9

Insert: "(3) A proceeding to determine parentage directed to:

(a) the department of social and rehabilitation services from an initiating state pursuant to 40-5-263 and this part is subject to the provisions of 40-5-231 through 40-5-237 or Title 40, chapter 6, part 1, as applicable; and

(b) a district court from an initiating state is subject to the provisions of Title 40, chapter 6, part 1."

63. Page 45, line 25.

Following: ";

Insert: "or"

64. Page 46, lines 2 through 5.

Strike: line 2 through "order" on line 5

Insert: "40-5-231"

65. Page 48, line 15.

Following: line 14

Insert: "Section 52. Section 40-4-210, MCA, is amended to read:

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"40-4-210. Child support jurisdiction -- nonresident ~~parent individual~~. A court of this state that is competent to decide child support matters may exercise personal jurisdiction over a nonresident ~~parent individual or the individual's guardian or conservator~~ in a child support determination in the initial or modification decree if:

(1) ~~the nonresident parent has resided with the child in individual is personally served with notice within this state in accordance with Rule 4B, Montana Rules of Civil Procedure;~~

(2) ~~(a) the nonresident parent maintained a marital domicile in this state from which the child was conceived or adopted; and~~

~~(b) the other party to the marital relationship or individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document that has the effect of waiving any contest to personal jurisdiction;~~

(3) the individual has resided with the child ~~resides~~ within this state;

~~(3)(4) the child was conceived or adopted within this state when at least one parent was a resident; or~~

(5) the individual resided in this state and provided prenatal expenses or support for the child;

(6) the child resides in this state as a result of the acts or directives of the individual;

(7) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse; or

~~(4)(8)~~ there is any other basis consistent with the constitutions of this state and the United States for the exercise of the personal jurisdiction."

Section 53. Section 40-5-202, MCA, is amended to read:

"40-5-202. Department of social and rehabilitation services -- powers and duties regarding collection of support debt.

(1) The department may take action under the provisions of this part, the abandonment or nonsupport statutes, the Uniform Parentage Act established in Title 40, chapter 6, part 1, and other appropriate state and federal statutes to ensure that the parent or other person responsible pays for the care, support, or maintenance of a child if the department:

(a) receives a referral from the department of social and rehabilitation services or the department of family services on behalf of the child;

(b) is providing child support enforcement services under 40-5-203; or

(c) receives an interstate referral, whether under the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, or an interstate action by a Title IV-D agency of another state.

(2) If the department is providing child support enforcement services for a child under this part, the department becomes trustee of any cause of action of the child or the obligee to recover support due to the child or obligee from the obligor. The

department may bring and maintain the action in its own name or in the name of the obligee.

(3) The department has the power of attorney to act in the name of any obligee to endorse and cash any and all drafts, checks, money orders, or other negotiable instruments received by the department on behalf of a child.

(4) For purposes of prosecuting any civil action, the department is a real party in interest if it is providing child support enforcement services under this part. ~~No~~ An obligee may not act to prejudice the rights of the department while ~~such~~ services are being provided.

(5) If child support enforcement services are being or have been provided under this part, ~~no~~ an agreement between any obligee and any obligor either relieving an obligor of any duty of support or purporting to settle past, present, or future support obligations either as settlement or prepayment may not act to reduce or terminate any rights of the department to recover from the obligor for support debt provided unless the department has consented to the agreement in writing.

(6) The department may petition a court or an administrative agency for modification of any order on the same basis as a party to that action is entitled to do.

(7) The department is subrogated to the right of the child or obligee to maintain any civil action or execute any administrative remedy available under the laws of this or any other state to collect a support debt. This right of subrogation is in addition to and independent of the assignment under 53-2-613 and the support debt created by 40-5-221.

(8) If public assistance is being or has been paid, the department is subrogated to the debt created by a support order and any money judgment is considered to be in favor of the department. This subrogation is an addition to any assignment made under 53-2-613 and applies to the lesser of:

- (a) the amount of public assistance paid; or
- (b) the amount due under the support order.

(9) The department may adopt and enforce the rules necessary to carry out the provisions of this part.

(10) The department, for the purposes mentioned in this part, through its director or the director's authorized representatives, may administer oaths to certify official acts and records, issue subpoenas, and compel witnesses and the production of books, accounts, documents, and evidence."

Section 54. Section 40-5-226, MCA, is amended to read:

"40-5-226. Administrative hearing -- nature -- ~~place~~ -- time -- determinations -- failure to appear -- entry of final decision and order. (1) The administrative hearing is defined as a "contested case".

(2) ~~At the discretion of the hearing officer, the administrative hearing may be held:~~

(a) ~~in the county of residence or other county convenient to the obligor or obligee; or~~



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~~(b) in the county in which the department or any of its offices are located.~~

(3) If a hearing is requested, it must be scheduled within 20 days.

(4)(3) The hearing officer shall determine the liability and responsibility, if any, of the obligor under the notice and shall enter a final decision and order in accordance with ~~such~~ the determination.

(5)(4) If the obligor fails to appear at the hearing or fails to timely request a hearing, the hearing officer, upon a showing of valid service, shall enter a decision and order declaring the amount stated in the notice to be final.

(6)(5) In a hearing to determine financial responsibility, the monthly support responsibility must be determined in accordance with the evidence presented and with reference to the scale of suggested minimum contributions under 40-5-214. The hearing officer is not limited to the amounts stated in the notice.

(7)(6) Within 20 days of the hearing, the hearing officer shall enter a final decision and order. The determination of the hearing officer constitutes a final agency decision, subject to judicial review under 40-5-253 and the provisions of the Montana Administrative Procedure Act.

(8)(7) A support order entered under this part must contain a statement that the order is subject to review and modification by the department upon the request of the department or a party under 40-5-271 through 40-5-273 when the department is providing services under IV-D for the enforcement of the order.

(9)(8) A support debt determined pursuant to this section is subject to collection action without further necessity of action by the hearing officer.

~~(10)(9)~~ (9) A support debt or a support responsibility determined under this part by reason of the obligor's failure to request a hearing under this part or failure to appear at a scheduled hearing may be vacated, upon the motion of an obligor, by the hearing officer within the time provided and upon a showing of any of the grounds enumerated in the Montana Rules of Civil Procedure.

~~(11)(10)~~ (10) Unless the hearing officer makes a written exception under 40-5-315 or 40-5-411 and the exception is included in the support order, every order establishing a child support obligation, whether temporary or final, and each modification of an existing child support order under this part is enforceable by immediate or delinquency income withholding, or both, under Title 40, chapter 5, part 4. A support order that omits that provision or that provides for a payment arrangement inconsistent with this section is nevertheless subject to withholding for the payment of support without need for an amendment of the support order or for any further action by the hearing officer.

~~(12)(11)~~ (11) For the purposes of income withholding provided for in subsection ~~(11)~~ (10), whenever the department establishes or modifies a child support obligation, the department's order must include a provision requiring the obligor, for as long as the department is providing support enforcement services, to keep the



department informed of the name and address of the obligor's current employer, whether the obligor has access to health insurance through an employer or other group, and, if so, the health insurance policy information."

Section 55. Section 40-5-231, MCA, is amended to read:

~~"40-5-231. Establishment of paternity—jurisdiction~~ Jurisdiction and venue. (1) For purposes of an administrative action brought under ~~40-5-231 through 40-5-237~~ this part, personal jurisdiction is established in the department over any ~~person who has had sexual intercourse in this state that has resulted in the birth of a child who is the subject of such proceedings and over any person subject to the provisions of Rule 4B of the Montana Rules of Civil Procedure, including but not limited to the child, the child's parents, any person having custody of the child, and any alleged father~~ individual or the individual's guardian or conservator if:

(a) the individual is personally served with notice within this state;

(b) the individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document that has the effect of waiving any contest to personal jurisdiction;

(c) the individual resided with the child in this state;

(d) the individual resided in this state and provided prenatal expenses or support for the child;

(e) the child resides in this state as a result of the acts or directives of the individual;

(f) the individual engaged in sexual intercourse in this state and the child may have been conceived by the act of intercourse; or

(g) there is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

(2) Personal jurisdiction over the ~~persons~~ individuals described in subsection (1) may be acquired by personal service or by service of notice by certified mail.

(3) If the child or either parent resides in this state, a hearing under ~~40-5-231 through 40-5-237~~ this part may be held in the county where:

(a) the child resides;

(b) either parent resides; or

(c) the department or any of its regional offices is located."

Section 56. Section 40-5-263, MCA, is amended to read:

~~"40-5-263. Central clearinghouse -- interstate enforcement~~ services -- powers and duties of the department. (1) The department shall establish a clearinghouse for the registration of all interstate IV-D cases referred to the department by other states. The clearinghouse shall serve as the central point for the receipt and dissemination of information regarding interstate enforcement requests, including but not limited to:

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(a) petitions under the Revised Uniform Reciprocal Enforcement of Support Act or the Uniform Interstate Family Support Act; and

(b) wage withholding requests under part 4 of this chapter.

(2) (a) A case must be referred to the clearinghouse to be processed as a IV-D case and receive the benefits of IV-D status and clearinghouse services.

(b) The clearinghouse may accept any interstate IV-D referral made by interstate application or by petition under the Revised Uniform Reciprocal Enforcement of Support Act or the Uniform Interstate Family Support Act. An application must be made on forms prescribed by the department.

(3) Upon certification by the initiating state that a case filed in the registry of foreign support orders, including a petition under the Revised Uniform Reciprocal Enforcement of Support Act or the Uniform Interstate Family Support Act, is eligible for IV-D services and that the obligor resides, has property, or derives income in this state, the department may establish or enforce a child support obligation by any appropriate statute, including the remedies in this chapter.

(4) If necessary, the department shall establish the paternity of the child.

(5) The clearinghouse shall:

(a) review and acknowledge receipt of any interstate IV-D referral;

(b) request missing information from the initiating state;

(c) determine appropriate enforcement remedies and forward the referral to the appropriate enforcement unit;

(d) provide status updates to the initiating state, including the location of the responsible enforcement unit;

(e) locate an obligor and the obligor's assets, if necessary; and

(f) initiate a IV-D referral if services are provided by the department to a resident of this state and the obligor resides outside the state.

(6) If the department is providing support enforcement services to a resident of this state, the director or ~~his~~ the director's designee may certify any interstate petition, application, and referral, including a petition under part 1 of this chapter."

Section 57. Section 40-6-109, MCA, is amended to read:

"40-6-109. Jurisdiction -- venue. (1) The district court has jurisdiction of an action brought under this part. The action may be joined with an action for dissolution, annulment, separate maintenance, support, or adoption.

(2) For purposes of an action brought under this part, personal jurisdiction is established in the courts of this state over ~~any person who has had sexual intercourse in this state which has resulted in the birth of a child who is the subject of such proceedings. In addition to any other method provided by rule or statute, personal jurisdiction may be acquired by service in accordance with Rule 4B of the Montana Rules of Civil Procedure~~ an individual or the individual's guardian or conservator, if:

(a) the individual is personally served within this state in accordance with Rule 4B, Montana Rules of Civil Procedure;

(b) the individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document that has the effect of waiving any contest to personal jurisdiction;

(c) the individual resided with the child in this state;

(d) the individual resided in this state and provided prenatal expenses or support for the child;

(e) the child resides in this state as a result of the acts or directives of the individual;

(f) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse;  
or

(g) there is any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

(3) The action may be brought in the county in which the child or the alleged father resides or is found or, if the father is deceased, in which proceedings for probate of his the father's estate have been or could be commenced.""

Renumber: subsequent sections

66. Page 49, line 3.

Following: line 2

Insert: "NEW SECTION. Section 60. Coordination. If neither Senate Bill No. 217 nor \_\_ Bill No. \_\_ [LC 969] is passed and approved, then the bracketed language in [section 18(3) and section 21(4)] is void and the code commissioner shall make necessary changes in grammar."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 335**, introduced bill, be amended as follows:

1. Page 23, line 16.

Following: "and"

Insert: ", except as provided in subsection (6),"

2. Page 25, line 16.

Following: line 15

Insert: "(6) If a financial institution defined in 31-1-111 as a regulated lender possesses information described in subsection (2)(i), (2)(j), or (2)(k) that relates to a person who is the subject of an inquiry by the department, the financial institution need only tell the department that it possesses information the department seeks. The department may apply for an investigative subpoena under 46-4-301, stating in the prosecutor's affidavit in support of the subpoena that assets or resources of the obligor do or may exist and that the administration of justice requires the financial institution to disclose the information."

3. Page 44, line 24.

Strike: "28"

Insert: "27"

4. Page 62, line 1.

Following: "entity"

Insert: "and to the clerk and recorder of each county in which real estate is located in which the obligor has an interest"

5. Page 62, line 11.

Following: line 10

Insert: "(e) Except as provided in subsection (7), a buyer for value of an obligor's personal property who buys in good faith and without knowledge of the support lien takes the property free of the support lien."

6. Page 62, line 14.

Strike: "may"

Insert: "shall"

And, as amended, do pass. Report adopted.

#### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/17/93

**SB 32**, introduced by Blaylock

**SB 171**, introduced by Halligan

**SB 179**, introduced by Christiaens

#### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer

February 17, 1993

Speaker of the House

State Capitol

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bills 108 and 109 on February 17, 1993.

Sincerely,

MARC RACICOT

Governor



**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gilbert in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 350** - Representative Mason moved HB 350, second reading copy, be amended as follows (amendment #1):

1. Page 5, line 8.

Following: "HOWEVER,"

Insert: "nondesignated"

2. Page 5, line 9.

Following: "LOANS"

Insert: "of up to 10% of the funds appropriated to the coal board for grants and loans"

3. Page 5, line 11.

Following: "MINES;"

Strike: "AND"

Insert: "or"

4. Page 5, line 13.

Following: "IMPACT"

Insert: "due to the closure of a mine or facility"

Amendment #1 passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: None.

Total 0

Excused: Galvin, Hayne, McCulloch.

Total 3

Absent or not voting: Bachini, Barnhart, Cobb, Elliott, Ewer, Gilbert, Hansen, T. Nelson, Schwinden.

Total 9

Representative Mason moved HB 350, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 85

Noes: Bachini, Bergsagel, Brooke, Brown, Cocchiarella, McCaffree, Zook.

Total 7

Voted Absentee: McCulloch, Aye.

Excused: Galvin, Hayne.

Total 2

Absent or not voting: Gilbert, J. Rice, Russell, Schwinden, Tuss, Whalen.

Total 6

**HB 380** - Representative Ewer moved HB 380, second reading copy, be amended.

Representative Foster made a substitute motion that consideration of HB 380 be placed at the bottom of the second reading board. Motion carried.

**HB 544** - Representative Grinde moved consideration of HB 544 be passed for the day. Motion carried.

**HB 75** - Representative Grinde moved consideration of HB 75 be placed at the bottom of the second reading board. Motion carried.

**HB 237** - Representative Grady moved HB 237 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy,

McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 89

Noes: Bachini, Cocchiarella, McCaffree, Peck.  
Total 4

Voted Absentee: McCulloch, Aye.

Excused: Galvin, Hayne.  
Total 2

Absent or not voting: Bergman, Kasten, J. Rice, Smith, Wyatt.  
Total 5

**HB 245** - Representative Kadas moved consideration of HB 245 be placed below HB 559 on the second reading board. Motion carried.

**HB 469** - Representative Cocchiarella moved HB 469 do pass. Motion carried as follows:

Ayes: Barnhart, Benedict, Bird, Boharski, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fisher, Galvin, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Larson, McCarthy, Menahan, Molnar, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wiseman, Wyatt.  
Total 55

Noes: Anderson, Bachini, Barnett, Bergman, Bergsagel, Brandewie, Clark, Feland, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Herron, R. Johnson, Keller, Knox, Mason, McCaffree, McCulloch, Mills, L. Nelson, T. Nelson, Peck, Peterson, Rose, Sayles, Schwinden, Smith, Spring, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.  
Total 41

Voted Absentee: Galvin, Aye; McCulloch, No.

Excused: Hayne.  
Total 1

Absent or not voting: Bardanouve, Fagg, Gervais.  
Total 3

**HB 527** - Representative Brown moved consideration of HB 527 be passed for the day. Motion carried.

Representative Hayne present at this time.

**HB 227** - Representative J. Rice moved consideration of HB 227 be passed for the day. Motion carried.

**HB 273** - Representative Dolezal moved HB 273, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 11.

Following: "replacement,"

Insert: "glass"

2. Page 2, line 12.

Following: line 11

Insert: "glass"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Galvin, McCulloch.

Total 2

Absent or not voting: Cocchiarella, Elliott, Strizich.

Total 3

Representative Galvin present at this time.

Representative Dolezal moved HB 273, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose,



Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 320** - Representative Kadas moved consideration of HB 320 be passed for the day. Motion carried.

**HB 411** - Representative R. Johnson moved HB 411 do pass.

Representative Wyatt made a substitute motion HB 411, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (43-56)

Representative Brown moved HB 411, second reading copy, be amended (amendment #2). Amendment #2 failed as follows: (40-56)

Representative Brown moved HB 411, second reading copy, be amended as follows (amendment #3):

1. Title, lines 9 and 10.  
Strike: "REVISING" on line 9 through "FORFEITURES;" on line 10

2. Title, page 2, line 8.  
Strike: "23-5-123,"

3. Page 13, line 22 through page 14, line 17.  
Strike: Section 3 in its entirety  
Renumber: subsequent sections

4. Page 54, line 5.  
Strike: "5" through "20"  
Insert: "4, 14 through 16, and 19"

5. Page 54, lines 7 and 8.  
Strike: "5" on line 7 through "20" on line 8  
Insert: "4, 14 through 16, and 19"

6. Page 54, line 9.  
Strike: "17"  
Insert: "16"

Amendment #3 passed as follows:

Ayes: Anderson, Bachini, Benedict, Bergman, Bergsagel, Bird, Boharski, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Bardanouve, Barnett, Barnhart, Bohlinger, Brandewie, Fagg, Fisher, Grimes, M. Hanson, Harper, Hayne, Herron, R. Johnson, Keller, Knox, Mason, T. Nelson, J. Rice, Sayles, Simon, Spring.

Total 21

Excused: McCulloch.

Total 1

Absent or not voting: None.

Total 0

Representative R. Johnson moved HB 411, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, Molnar, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Bachini, Barnett, Bergsagel, Brown, Daily, Driscoll, Galvin, Grady, Harrington, Hayne, McCarthy, Menahan, L. Nelson, T. Nelson, Pavlovich, Ryan, Vogel, Wallin.

Total 18

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 245** - Representative Kadas moved consideration of HB 245 be placed below HB 454 on the second reading board. Motion carried.

**HB 440** - Representative Ewer moved HB 440 do pass. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Ellis, Endy, Ewer, Fagg, Fisher, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tuss, Wallin, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 61

Noes: Anderson, Bachini, Benedict, Bergsagel, Clark, DeBruycker, Dowell, Elliott, Feland, Foster, Galvin, M. Hanson, Hayne, Herron, J. Johnson, Kasten, McCaffree, Molnar, L. Nelson, Orr, Peck, Peterson, Rehbein, Schye, Simon, Smith, Spring, Stovall, Tunby, Vogel, Wagner, Wanzenried, Zook.  
Total 33

Voted Absentee: McCulloch, Aye.

Excused: None.  
Total 0

Absent or not voting: Boharski, Cobb, Driscoll, Rose, Sayles, Simpkins.  
Total 6

Representative J. Rice assumed the Chair at this time.

**HB 454** - Representative Vogel moved HB 454 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 57

Noes: Bachini, Bardanouve, Barnhart, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, Larson, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 42

Voted Absentee: McCulloch, No.

Excused: None.

Total 0

Absent or not voting: McCaffree.

Total 1

Representative Gilbert resumed the Chair at this time.

**HB 245** - Representative Kadas moved HB 245, second reading copy, be amended as follows (amendment #1):

1. Page 5, line 14 and lines 20 and 21.

Strike: "ON THE MOBILE HOME PARK PREMISES"

2. Page 5, lines 24 and 25.

Strike: "by a preponderance of the evidence"

3. Page 8, line 12.

Following: "rule"

Insert: ":

(i)"

4. Page 8.

Following: line 19

Insert: "(ii) and it is shown that the mobile home owner or tenant has violated that rule on three occasions in the past 12 months, termination of the rental agreement may proceed under the provisions of 70-24-422 without providing a 14-day compliance period."

5. Page 9, line 7.

Following: line 6

Insert: "(f) If a violation of a rule by a mobile home owner or tenant of a mobile home creates an immediate threat to the health and safety of any resident of the mobile home park, the rental agreement with the violator may be terminated under 70-24-422, if the violation has not been remedied, 24 hours after the violator receives notice of the violation."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Dally, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.



Total 95

Noes: Cocchiarella, Kasten, Orr, Wyatt.

Total 4

Excused: McCulloch.

Total 1

Absent or not voting: None.

Total 0

Representative Kadas moved HB 245, as amended, do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Mr. Speaker.

Total 79

Noes: Anderson, Bergman, Bergsagel, Boharski, DeBruycker, Grady, H.S. Hanson, M. Hanson, Hayne, Kasten, Orr, Rehbein, Simpkins, Spring, Tash, Winslow, Wiseman, Wyatt.

Total 18

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Gilbert, Strizich, Zook.

Total 3

**HB 478** - Representative Toole moved HB 478 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergman, DeBruycker, Feland, Fisher, Hayne, Orr, Peterson, Rehbein.

Total 8

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Boharski, Brandewie, Brown, Elliott, Grady, Molnar, J. Rice.

Total 7

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Gilbert moved the adoption of the committee report. Report adopted. (89-5)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 167** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergsagel, Clark, Tash.

Total 3

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 186** passed as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, Kasten, Keller, Larson, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, Orr, Pavlovich, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schye, Simpkins, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook.

Total 65

Noes: Bachini, Bardanouve, Boharski, Bohlinger, Brooke, Davis, Endy, Feland, Fisher, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, R. Johnson, Kadas, Knox, McCarthy, Menahan, T. Nelson, Peck, Peterson, Quilici, Schwinden, Simon, Smith, Spring, Squires, Tash, Tunby, Wanzenried, Whalen, Mr. Speaker.

Total 33

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Grady, Rose.

Total 2

**HB 216** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 78

Noes: Bachini, Benedict, Bergman, Bergsagel, Brown, Cobb, DeBruycker, Fagg, H.S. Hanson, M. Hanson, Hayne, Kasten, Mills, L. Nelson, T. Nelson, Peck, Simon, Smith, Stovall, Tunby, Mr. Speaker.

Total 21

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Herron.

Total 1

**HB 429** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Molnar, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Brooke, Brown, Cocchiarella, Dowell, Driscoll, Elliott, Ewer, Feland, Hansen, Harper, Kadas, Menahan, L. Nelson, T. Nelson, Raney, Russell, Schwinden, Schye, Squires, Tuss, Whalen.

Total 21

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Grady, Mills, Smith.

Total 3

**HB 468** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Cobb, Davis, DeBruycker, Dolezal, Elliott, Ellis, Ewer, Fagg, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Wiseman, Wyatt, Zook.

Total 71

Noes: Bachini, Benedict, Brandewie, Brown, Clark, Cocchiarella, Daily, Dowell, Driscoll, Endy, Feland, Fisher, Galvin, Harper, McCaffree, McCarthy, Menahan, Pavlovich, Peck, Rose, Ryan, Sayles, Smith, Tash, Wanzenried, Winslow, Mr. Speaker.

Total 27

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Grady, Strizich.

Total 2



**HB 491** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Fisher, Kasten, Peterson, Spring.

Total 4

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Bergsagel, Grady, Harrington.

Total 3

**HB 545** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: DeBruycker, Hansen, Peck, Peterson, Quilici, Spring.

Total 6

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Grady, Wagner.

Total 2

**MOTIONS**

Representative Endy moved HB 183 be taken from the table in the Committee on Agriculture, Livestock, and Irrigation, printed, and placed on second reading this legislative day. Motion failed. (47-52)

Representative Gilbert moved HB 645 be taken from the Committee on Local Government and rereferred to the Committee on Taxation. Motion carried.

**SPECIAL ORDERS OF THE DAY**

The following sponsor was added to HB 562: Herron.

The House of Representatives' Basketball Team was escorted into the chamber. They were awarded the traveling trophy for the 7th annual Senate-House basketball game. The coaches, Cocchiarella, Winslow and Wyatt, were also acknowledged for their coaching abilities. The trophy was left on display at the rostrum.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 2/18/93  
Correctly enrolled: HB 39, HB 96, HB 159, HB 160, HB 179, HB 209.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman): 2/18/93  
**HB 572**, introduced bill, do pass. Report adopted.

JUDICIARY (Fagg, Chairman): 2/17/93  
**HB 157**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "DRUGS"

Insert: "AND FOR DRIVING WITH A BLOOD ALCOHOL CONCENTRATION  
OF 0.10 OR MORE"

2. Title, line 8.

Following: "DRUGS"

Insert: "OR DRIVING WITH A BLOOD ALCOHOL CONCENTRATION OF  
0.10 OR MORE"

Strike: "SECTION"

Insert: "SECTIONS"

3. Title, line 9.

Following: "61-8-714"

Insert: "AND 61-8-722"

4. Page 4, line 9.

Strike: "sections 2 through 9"

Insert: "section 3"

5. Page 7, line 16, through page 14, line 22.

Strike: sections 2 through 9 of the bill in their entirety

February 18, 1993

Insert: "Section 2. Section 61-8-722, MCA, is amended to read:

"61-8-722. Penalty for driving with excessive alcohol concentration. (1) Except as provided in subsection (7), a person convicted of a violation of 61-8-406 shall be punished by imprisonment for not more than 10 days and shall be punished by a fine of not less than \$100 or more than \$500.

(2) Except as provided in subsection (7), on a second conviction of a violation of 61-8-406, he shall be punished by imprisonment for not less than 48 consecutive hours or more than 30 days and by a fine of not less than \$300 or more than \$500.

(3)(a) Except as provided in subsection (7), on a third or subsequent conviction of a violation of 61-8-406, he shall be punished by imprisonment for not less than 48 consecutive hours or more than 6 months and by a fine of not less than \$500 or more than \$1,000.

(b) (i) On the third or subsequent conviction, the court, in addition to any other penalty imposed by law, shall order the motor vehicle owned and operated by the person at the time of the offense to be forfeited as provided under [section 3].

(ii) A vehicle used by a person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture unless it appears that the owner or other person in charge of the vehicle consented to or was privy to the violation. A vehicle may not be forfeited under this section for any act or omission established by the owner to have been committed or omitted by a person other than the owner while the vehicle was unlawfully in the possession of a person other than the owner in violation of the criminal laws of this state or the United States.

(iii) Forfeiture of a vehicle encumbered by a security interest is subject to the secured person's interest if the person did not know and could not have reasonably known of the unlawful possession, use, or other act on which the forfeiture is sought.

(4) The provisions of 61-5-205(2), 61-5-208(2), and 61-11-203(2)(d), relating to revocation and suspension of driver's licenses, apply to any conviction under 61-8-406.

(5) In addition to the punishment provided in this section, regardless of disposition, the defendant shall complete an alcohol information course at an alcohol treatment program approved by the department of corrections and human services, which may include alcohol or drug treatment, or both, if considered necessary by the counselor conducting the program. Each counselor providing education or treatment shall, at the commencement of the education or treatment, notify the court that the defendant has been enrolled in a course or treatment program. If the defendant fails to attend the course or the treatment program, the counselor shall notify the court of the failure.

(6) For the purpose of determining the number of convictions under this section, "conviction" means a final conviction, as defined in 45-2-101, in this state or a similar statute in another state or a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this state or another state, which forfeiture has not been vacated. An offender is considered to have been previously convicted for the purposes of



sentencing if less than 5 years have elapsed between the commission of the present offense and a previous conviction. If there has been no additional conviction for an offense under this section for a period of 5 years after a prior conviction under this section, then the prior offense must be expunged from the defendant's record.

(7) The court may order that a term of imprisonment imposed under this section be served in another facility made available by the county and approved by the sentencing court. The defendant, if financially able, shall bear the expense of the imprisonment in the facility. The court may impose restrictions on the defendant's ability to leave the premises of the facility and require that the defendant follow the rules of that facility. The facility may be, but is not required to be, a community-based prerelease center as provided for in 53-1-203. The prerelease center may accept or reject a defendant referred by the sentencing court.

(8) Except for the initial 24 hours on a first offense or the initial 48 hours on a second or subsequent offense, the court may order that a term of imprisonment imposed under this section be served by imprisonment under home arrest as provided in Title 46, chapter 18, part 10."

**NEW SECTION.** Section 3. Forfeiture procedure. (1) A motor vehicle forfeited under 61-8-714 or 61-8-722 must be seized by the county sheriff within 10 days after the conviction and disposed of as provided in Title 44, chapter 12, part 2. Except as provided in this section, the provisions of Title 44, chapter 12, part 2, apply to the extent applicable.

(2) Forfeiture proceedings under 44-12-201(1) must be instituted by the county sheriff within 20 days after the seizure of the motor vehicle.

(3) For purposes of 44-12-203 and 44-12-204, there is a rebuttable presumption of forfeiture. The owner of the motor vehicle may rebut the presumption by proving a defense under 61-8-714(3)(b)(ii) or 61-8-722(3)(b)(ii) or by proving that the owner was not convicted of a third or subsequent offense under 61-8-401 or 61-8-406. It is not a defense that the convicted person owns the motor vehicle jointly with another person.

(4) For purposes of 44-12-206, the proceeds of the sale of the motor vehicle must be distributed first to the holders of security interests who have presented proper proof of their claims, up to the amount of the interests, and next to the sheriff in the amount of the costs of the forfeiture proceedings, and the remainder to the department of corrections and human services to fund alcohol information courses and treatment programs referred to in 61-8-714 and 61-8-722.

(5) Actions the court may take under 44-12-205(3) to protect the rights of innocent persons include return of the motor vehicle without a sale to an owner who is unable to present an adequate defense under this section but is found by the court to be without fault."

Renumber: subsequent section



6. Page 14, line 24.

Strike: "Sections 2 through 9] are"

Insert: "Section 3] is"

7. Page 15, line 2.

Strike: "sections 2 through 9"

Insert: "section 3"

And, as amended, do pass. Report adopted.

**HB 416**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "ACTUAL OR PERCEIVED"

2. Title, line 7.

Strike: "SEXUAL ORIENTATION,"

3. Page 1, line 23.

Strike: "cooperate with"

Insert: "seek the cooperation of"

4. Page 2, line 6.

Following: "analysis of"

Insert: "statistical"

5. Page 2, line 7.

Strike: "are apparently"

Insert: "manifest evidence of having been"

6. Page 2, line 9.

Page 3, line 9.

Strike: "actual or perceived"

7. Page 2, line 10.

Page 3, line 10.

Strike: "sexual orientation,"

8. Page 2, line 24 through line 3 of page 3.

Strike: section 3 in its entirety

Re-number: subsequent sections

9. Page 3, lines 11 through 15.

Strike: "The" on line 11 through end of line 15

10. Page 3, lines 17 and 19.

Strike: "4"

Insert: "3"

And, as amended, do pass. Report adopted.

**HB 562**, introduced bill, be amended as follows:

1. Page 2, line 1.

Strike: ", receives, purchases"

Insert: "with intent to sell"

2. Page 3, line 4.

Following: line 3

Insert: "(3) An offense is not committed under subsections (1)(d) through (1)(f) if the visual or print medium is processed, developed, printed, published, transported, distributed, sold, possessed, or possessed with intent to sell, or if such an activity is financed, as part of a sex offender information or treatment course or program conducted or approved by the department of corrections and human services."

And, as amended, do pass. Report adopted.

**HB 633**, introduced bill, do pass. Report adopted. 2/18/93

**HJR 21**, introduced bill, do pass. Report adopted. 2/18/93

**HJR 22**, introduced bill, do pass and be placed on the consent calendar.

Report adopted. 2/18/93

NATURAL RESOURCES (Knox, Chairman):

2/18/93

**HB 448**, introduced bill, do pass. Report adopted.

**HB 571**, introduced bill, do pass. Report adopted.

SELECT WORKERS' COMPENSATION (Hibbard, Chairman):

2/18/93

**HB 470**, introduced bill, be amended as follows:

1. Page 3, line 19.

Following: "(a)"

Insert: "(i)"

2. Page 3, lines 21 and 22.

Strike: "and" on line 21 through "services" on line 22

3. Page 4, following line 1.

Insert: "(ii) A sole proprietor or working member of a partnership who represents to the public to be an independent contractor and who is in the construction industry shall elect to be bound personally and individually by the provisions of compensation plan No. 1, 2, or 3."

4. Page 7, line 2.

Strike: ":"

5. Page 7, line 3.

Strike: "(i)"

Following: "elected"

Insert: ", as required,"

6. Page 7, lines 5 through 7.

Strike: ";" on line 5 through "Act" on line 7

And, as amended, do pass. Report adopted.

**HB 534**, introduced bill, do pass. Report adopted.

**SPECIAL ORDERS OF THE DAY**

The following sponsors were added to HB 562: Herron.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Friday, February 19, 1993. Motion carried.

House adjourned at 3:11 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## FORTY-FIRST LEGISLATIVE DAY

Helena, Montana  
February 19, 1993

House Chambers  
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative J. Rice. Pledge of Allegiance to the Flag.

Roll call. All members present except McCulloch, T. Nelson, Sayles, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the thirty-eighth legislative day, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/19/93

Correctly printed for second reading: HB 157, HB 228, HB 274, HB 314, HB 335, HB 338, HB 341, HB 373, HB 381, HB 416, HB 428, HB 432, HB 448, HB 470, HB 471, HB 480, HB 492, HB 534, HB 562, HB 571, HB 572, HB 576, HB 581, HB 595, HB 607, HB 633, HJR 15, HJR 21.

Correctly engrossed for third reading: HB 237, HB 245, HB 273, HB 350, HB 411, HB 440, HB 454, HB 469, HB 478, HJR 22.

Signed by the Speaker at 9:00 a.m., 2/19/93: HB 39, HB 86, HB 96, HB 99, HB 137, HB 159, HB 160, HB 161, HB 178, HB 179, HB 209, SB 6, SB 12, SB 61, SB 85, SB 99, SB 185.

APPROPRIATIONS (Zook, Chairman): 2/19/93

**HB 129**, introduced bill, do pass. Report adopted.

**HB 309**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Following: "ACT" on line 6

Strike: remainder of line 6 through "ALLOW" on line 7

Insert: "ALLOWING"

2. Title, line 9.

Following: "STATE"

Insert: "; PROVIDING A RESOURCE TEST FOR PREGNANT WOMEN AND INFANTS; AMENDING SECTION 53-6-131, MCA; AND PROVIDING AN EFFECTIVE DATE"

3. Page 4, line 13.

Following: "(i)"

Insert: ", and whose family resources do not exceed standards that the department determines reasonable for purposes of the program"

4. Page 4, line 17.

Following: line 16

Insert: "NEW SECTION. Section 2. Effective date. This act is effective July 1, 1993."

And, as amended, do pass. Report adopted.

**HB 425**, introduced bill, be amended as follows:

1. Title, lines 8 through 11.

Following: ";," on line 8

Strike: remainder of line 8 through ";," on line 11

2. Title, line 12.

Strike: "2-15-1814,"

3. Title, lines 13 through 24.

Following: "17-5-1312," on line 13

Strike: remainder of line 13 through "17-5-1651," on line 24

4. Title, page 2, line 4.

Following: "SECTIONS"

Insert: "2-15-1814,"

Following: "2-15-1815"

Insert: ", "

5. Page 2, line 16.

Strike: "department shall hire"

Insert: "board may employ an investment officer, an assistant investment officer, and"

Strike: "has"

Insert: "have"

6. Page 2, line 18.

Strike: ", state revenue bond,"

7. Page 2, line 24.

Following: ":",

Insert: "The investment officer, assistant investment officer, and executive director serve at the pleasure of the board. The board shall prescribe the duties and annual salaries of the investment officer, assistant investment officer, executive director, and three professional staff positions."

8. Page 3, lines 19 through 25.

Following: "[5]" on line 19

Strike: remainder of line 19 through line 25 in its entirety

9. Page 4, line 3 through page 5, line 11.

Strike: section 2 in its entirety

Renumber: subsequent sections

10. Page 5, line 15.

Strike: "nine"

Insert: "seven"

11. Page 5, line 16.

Strike: "The"

Insert: "Five of the"

12. Page 5, lines 17 and 18.

Strike: "and experienced in" on line 17

Insert: "on the subject of bond issuance and must represent the financial community, health care administration, health care providers, economic development, and "

Following: "housing" on line 17

Strike: remainder of line 17 through "finance" on line 18

Following: "." on line 18

Insert: "One member must be affiliated with a low-income organization. The members must provide a balance of professional expertise, public interest, and accountability."

13. Page 5, line 25.

Following: "."

Insert: "The department shall consult with the authority in the selection of revenue bond officers for the health facility and housing programs of the authority. The bond officers shall administer separate bond programs for the authority."

14. Page 6, line 13.

Following: line 12

Insert: "(8) The authority shall assess housing availability and needs in the state, counties, cities, and towns. The authority shall identify and review all federal housing programs and make recommendations to the department of commerce, the board of investments, and the governor concerning housing program coordination, planning, and operations."

15. Page 9, line 24 through page 10, line 10.

Strike: section 6 in its entirety

Renumber: subsequent sections

16. Page 10, line 13.

Strike: "board of housing"

Insert: "state revenue bond authority"

17. Page 11, line 9 through page 65, line 13.

Strike: sections 8 through 61 in their entirety

Renumber: subsequent sections

18. Page 67, line 16.

Strike: "3"

Insert: "2"

19. Page 99, line 23.

Strike: "3"

Insert: "2"

20. Page 108, line 7.

Following: "Sections"

Insert: "2-15-1814,"

Following: "2-15-1815"

Insert: ", "

21. Page 108, lines 10.

Strike: "3"

Insert: "2"

22. Page 108, line 12.

Following: "section"

Strike: "3"

Insert: "2"

And, as amended, do pass. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

2/18/93

**HB 465**, introduced bill, do pass. Report adopted.

**HB 585**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

Strike: "A CERTIFICATION"

Insert: "AN EDUCATIONAL"

2. Title, lines 6 and 7.

Strike: "PROVIDING" on line 6 through "SERVICES;" on line 7

3. Title, line 10.

Strike: "CERTIFICATION"

Insert: "EDUCATIONAL PROGRAM"

Strike: "AND A PERMITTING PROCESS"

4. Title, line 11.

Strike: "REQUIRING A CERTIFIED PERSON TO DISCLOSE"

Insert: "PROVIDING FOR VOLUNTARY DISCLOSURE OF"

5. Title, lines 13 and 14.

Strike: "AUTHORIZING" on line 13 through "OCCUPATION;" on line 14

6. Title, lines 20 through 24.

Strike: "PROVIDING" on line 20 through "PROGENY;" on line 24

7. Title, line 25.

Strike: "SECTIONS 2-8-202 AND"

Insert: "SECTION"

8. Page 3, line 8.

Strike: "ensure"

Insert: "educate"

9. Page 3, line 9.

Strike: "that"

Following: "providers"

Strike: "are qualified"

Following: "perform"

Insert: "radon"



10. Page 3, line 10.

Strike: "rendered"

Insert: "compatible with the most current technology"

11. Page 3, line 15.

Strike: "certifying"

Insert: "educating"

12. Page 3, lines 16 and 17.

Strike: "establishing" on line 16 through "services," on line 17

13. Page 3, line 20.

Strike: "a"

Insert: "an education"

Strike: "of certification"

14. Page 3, line 22 through page 4, line 2.

Strike: "in" on page 3, line 22 through "health" on page 4, line 2

15. Page 4, lines 7 through 11.

Strike: "[This" on line 7 through "health." on line 11

Insert: "The department shall publish a listing of those persons that have successfully completed radon training and testing requirements."

16. Page 4, lines 18 through 20.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

17. Page 5, lines 18 through 20.

Strike: subsection (9) in its entirety

18. Page 5, lines 22 and 23.

Strike: "certification" on line 22 through "permits"

Insert: "criteria for training and testing -- proficiency listing"

Following: "."

Strike: "(1)"

19. Page 5, line 24.

Strike: "certification of"

Insert: "educating"

Following: "persons"

Insert: "engaged"

20. Page 5, line 25 through page 6, line 1.

Strike: "and" on page 5, line 25 through "occupations" on page 6, line 1

21. Page 6, line 4.

Strike: "{a}"

Insert: "(1)"

22. Page 6, line 6.

Strike: "(b) qualifications" through "requirements"

Insert: "(2) criteria for publishing a listing of persons engaged in a radon-related occupation who have successfully completed training and testing requirements established by the department"

23. Page 6, line 7.

Strike: "(c)"

Insert: "(3)"

24. Page 6, lines 8 and 9.

Strike: "(d)"

Insert: "(4)"

Strike: "renewal" on line 8 through "including" on line 9

Following: "courses" on line 9

Insert: "to maintain proficiency listing eligibility"

25. Page 6, lines 10 through 23.

Strike: "(e)" on line 10 through "actions;" on line 23

26. Page 6, line 24.

Strike: "(k)"

Insert: "(5)"

27. Page 7, line 1.

Strike: "(i)"

Insert: "(a)"

Following: "courses"

Insert: "and applicable tests"

28. Page 7, lines 2 through 4.

Strike: in their entirety

Renumber: subsequent subsection

29. Page 7, line 6.

Strike: "(v)"

Insert: "(b)"

30. Page 7, lines 7 through 15.

Strike: subsection (2) in its entirety

31. Page 7, line 16.

Strike: "Certification"

Insert: "Radon education and proficiency listing"

Strike: "--"

32. Page 7, line 17.

Strike: "restrictions"

Strike: "(1) To qualify for certification"

Insert: "In order to be publicly listed as proficient by the department in a radon-related occupation"

33. Page 7, line 19.

Strike: "(a)"

Insert: "(1)"

34. Page 7, line 21.

Strike: "(b)"

Insert: "(2)"

35. Page 7, line 22 through page 8, line 17.

Strike: subsections (2) and (3) in their entirety

36. Page 8, line 18.

Strike: "Disclosure"

Insert: "Voluntary disclosure"

37. Page 8, lines 20 through 22.

Strike: "certified" on line 20 through "must" on line 21

Insert: "may"

Strike: "and" on line 21 through "service" on line 22

Following: "report" on line 22

Strike: "must"

Insert: "may"

38. Page 9, lines 8 through 17.

Strike: section 6 in its entirety

Renumber: subsequent sections

39. Page 12, line 23.

Strike: "13"

Insert: "12"

40. Page 13, line 13.

Strike: "8" and "10"

Insert: "7" and "9"

41. Page 13, line 21.

Strike: "certification and permit"

Insert: "training and testing"

42. Page 13, line 24.

Strike: "9" and "10"

Insert: "8" and "9"

43. Page 13, line 25.

Strike: line 25 in its entirety

Renumber: subsequent subsection

44. Page 14, line 10 through page 15, line 19.

Strike: section 14 in its entirety

Renumber: subsequent sections

45. Page 16, line 19 through page 17, line 25.

Strike: section 16 in its entirety

Renumber: subsequent sections

46. Page 18, lines 5 through 9.

Strike: section 18 in its entirety

Renumber: subsequent sections

47. Page 4, lines 15 and 17.

Page 6, line 25.

Page 9, line 4.

Page 14, lines 4 and 9.

Page 18, lines 2 and 4.

Strike: "14"

Insert: "12"

48. Page 12, line 2.

Page 13, line 10.

Page 16, line 5.

Strike: "9"

Insert: "8"

49. Page 12, line 13.

Page 16, line 6.

Strike: "10"

Insert: "9"

50. Page 12, lines 7 and 11.

Page 13, line 15.

Page 16, line 7.

Strike: "8"

Insert: "7"

And, as amended, do pass. Report adopted.

**HB 635**, introduced bill, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):

2/18/93

**HB 530**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "ANY"

2. Title, line 6.

Following: "VEHICLE"

Strike: "COMBINATION"

Insert: "COMBINATIONS THAT ARE OPERATED BY CUSTOM COMBINERS  
AND THAT ARE"

3. Page 5, line 24.

Following: "combinations"

Strike: "consisting"

Insert: "that are operated by custom combiners and that consist"

And, as amended, do pass. Report adopted.

**HB 606**, introduced bill, be amended as follows:

1. Title, line 5.



Following: "TO"  
Insert: "COMMERCIAL"

2. Page 2, line 19.  
Following: "to a"  
Insert: "commercial"

3. Page 2, line 20.  
Following: "highway"  
Insert: "during daylight hours"

4. Page 2, line 22.  
Following: "of the"  
Insert: "commercial"  
Following: "A"  
Insert: "commercial"

5. Page 2, line 24.  
Following: "If the"  
Insert: "commercial"

6. Page 3, line 2.  
Following: "of the"  
Insert: "commercial"

7. Page 3, line 3.  
Following: "the"  
Insert: "commercial"

8. Page 3, line 5.  
Following: "of a"  
Insert: "commercial"

9. Page 3, line 7.  
Following: "is"  
Strike: "not"

10. Page 3, line 8.  
Following: "of a"  
Insert: "commercial"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman):  
**HB 463**, introduced bill, be amended as follows:

2/19/93

1. Title, line 12.  
Following: "DATE"  
Insert: " AND A TERMINATION DATE"

2. Page 3, following line 19.  
Insert: "NEW SECTION. Section 6. Termination. [This act] terminates  
June 30, 1995."

And, as amended, do pass. Report adopted.

**HB 536**, introduced bill, do pass and be placed on the consent calendar.  
Report adopted.

**HB 613**, introduced bill, do pass. Report adopted.

**HB 631**, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "library"

Insert: "and an airport authority"

2. Page 2, line 11.

Following: "library"

Insert: "and an airport authority"

And, as amended, do pass. Report adopted.

**HB 644**, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/18/93

**HB 419**, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "with"

Insert: "the hazardous waste sections of"

2. Page 1, line 18.

Following: "to"

Insert: "the hazardous waste sections of"

3. Page 5, line 14.

Following: "violates a"

Insert: "hazardous waste"

4. Page 5, line 15.

Following: "or a"

Insert: "hazardous waste"

5. Page 5, line 17.

Following: "separate violation"

Insert: ", but the maximum penalty may not exceed \$100,000 for any related series of violations"

And, as amended, do pass. Report adopted.

**HB 503**, introduced bill, do pass. Report adopted.

**HB 512**, introduced bill, be amended as follows:

1. Title, line 9.

Following: "75-11-308,"

Insert: "AND"

Following: "75-11-309,"

Strike: "AND 75-11-319,"

2. Page 1, line 12.

Strike: "underground"

Insert: "petroleum"

3. Page 1, line 13.

Following: "and"

Strike: "underground"

Insert: "associated"

Following: "to"

Strike: "underground"

Insert: "petroleum"

4. Page 1, line 14.

Strike: "and above ground"

5. Page 1, line 19.

Strike: "underground"

Insert: "petroleum"

6. Page 1, line 20.

Strike: "underground"

Insert: "associated"

7. Page 1, line 21.

Strike: "underground"

Insert: "petroleum"

8. Page 1, line 22.

Strike: "underground"

Insert: "associated"

9. Page 1, line 25.

Strike: "an underground"

Insert: "a petroleum"

10. Page 2, line 9.

Strike: "underground"

Insert: "petroleum"

11. Page 2, line 13.

Strike: "an underground"

Insert: "a petroleum"

12. Page 4, line 16.

Strike: "underground"

Insert: "petroleum"

13. Page 5, line 20.

Strike: "an underground"

Insert: "a petroleum"

14. Page 5, line 22 and line 23.

Strike: "of" on line 22 through "materials" on line 23

15. Page 5, line 23.

Following: "with"

Insert: "rigid"

16. Page 5, line 25.

Following: "leakage."

Insert: "The design and construction of these tank systems must meet standards of the department and the department of justice fire prevention and investigation bureau. The material used in construction must be compatible with the liquid to be stored in the system, and the system must be designed to prevent the release of any stored liquid."

17. Page 10, line 16.

Following: "for"

Insert: ":(i)"

18. Page 10, line 18.

Following: "\$495,000"

Insert: ":(A) for single-walled tank system releases; and  
(B) for double-walled tank system releases for which the release date was prior to October 1, 1993; or  
(ii) 100% of the eligible costs, up to a maximum total reimbursement of \$500,000, for properly designed and installed double-walled tank system accidental releases that were discovered and reported on or after October 1, 1993"

19. Page 10, line 22.

Following: "for"

Insert: ":(i)"

20. Page 10, line 25.

Following: "\$982,500"

Insert: ":(A)"

Following: "releases"

Insert: " ; and  
(B) for double-walled tank system releases for which the release date was prior to October 1, 1993; or  
(ii) 100% of the eligible costs, up to a maximum total reimbursement of \$1 million, for properly designed and installed double-walled tank system accidental releases that were discovered and reported on or after October 1, 1993"

21. Page 10, line 25 through page 11, line 9.

Strike: "and" on page 10, line 25 through "costs" on page 11, line 9

22. Page 18, lines 2 through 16.

Strike: section 6 in its entirety

Renumber: subsequent sections

23. Page 18, line 19.



Following: "from"

Insert: "properly designed and installed"

Strike: "underground"

Insert: "petroleum"

24. Page 18, line 20.

Strike: "installed" through "1993"

And, as amended, do pass. Report adopted.

**HB 532**, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "AN EXCEPTION"

Insert: "EXCEPTIONS"

2. Page 1.

Following: line 24

Strike: "and (4)"

Insert: "through 5"

3. Page 2, lines 8 through 16.

Strike: subsection (4) in its entirety

Insert: "(4) Notwithstanding the provisions of subsection (3), a person may transport into Montana solid waste generated in Idaho, North Dakota, South Dakota, or Wyoming for disposal in a solid waste management facility that receives 25,000 tons or less of solid waste annually."

4. Page 2.

Following: line 16

Insert: "(5) A person may transport solid waste to a research and development facility in Montana that receives federal or state research funds in order to test and evaluate waste treatment remediation technologies."

And, as amended, do pass. Report adopted.

**HB 567**, introduced bill, be amended as follows:

1. Page 1, line 17.

Strike: "department"

Insert: "board"

2. Page 2.

Following: line 8

Insert: "Finally, the legislature understands that the retroactive applicability of this bill will subject permit applicants, who have begun but not completed the permitting process, to the provisions of this bill. While the legislature understands that compliance with the provisions of this bill will require additional time and resources from the applicant, it is not the intent of the legislature that this

legislation unnecessarily delay the permitting process or unnecessarily increase the permitting costs."

3. Page 13.

Following: line 12

Insert: "(b) if a license is required pursuant to 75-10-221, the applicant has published, in the county where the project is proposed, at least three notices, in accordance with the procedures identified in 7-1-4127(2) and 7-1-4128, describing the proposed project;"

Renumber: subsequent subsections

4. Page 14, line 20.

Strike: "department"

Insert: "board"

5. Page 15, line 24.

Following: "dioxins"

Strike: "and"

Insert: ", "

Following: "furans,"

Insert: "and heavy metals,"

6. Page 16, line 9.

Following: "dioxins"

Strike: "and"

Insert: ", "

Following: "furans"

Insert: ", and heavy metals"

7. Page 18, line 24.

Following: "[section 5];"

Insert: "and"

8. Page 19, lines 2 through 4.

Strike: "; " on line 2 through "principal" on line 4

And, as amended, do pass. Report adopted.

**HB 599**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

Strike: "AMENDING" on line 4 through "AGENCY" on line 5

Insert: "CLARIFYING THAT THE DEPARTMENT OF STATE LANDS"

2. Title, line 6.

Strike: "A PROPOSAL"

Insert: "AN OPERATING PERMIT"

3. Title, line 9.

Strike: "75-1-201"

Insert: "82-4-337"

4. Page 1, line 12.

Strike: "state"

5. Page 1, line 13.

Strike: "agencies"

Insert: "the department of state lands"

6. Page 1, line 17.

Strike: "a state action"

Insert: "the issuance of an operating permit"

7. Page 1, line 22 through page 7, line 5.

Strike: Section 1 in its entirety

Insert: "Section 1. Section 82-4-337, MCA, is amended to read:

"82-4-337. Inspection -- issuance of operating permit -- modification. (1) (a) The board shall cause all applications for operating permits to be reviewed for completeness within 30 days of receipt. The board shall notify the applicant concerning completeness as soon as possible. An application is considered complete unless the applicant is notified of any deficiencies within 30 days of receipt.

(b) Unless the review period is extended as provided in this section, the board shall review the adequacy of the proposed reclamation plan and plan of operation within 30 days of the determination that the application is complete or within 60 days of receipt of the application if the board does not notify the applicant of any deficiencies in the application. If the applicant is not notified of deficiencies or inadequacies in the proposed reclamation plan and plan of operation within such time period, the operating permit shall be issued upon receipt of the bond as required in 82-4-338 and pursuant to the requirements of subsection (1)(c). The department shall promptly notify the applicant of the form and amount of bond which will be required.

(c) No permit may be issued until:

(i) sufficient bond has been submitted pursuant to 82-4-338;

(ii) the information and certification have been submitted pursuant to 82-4-335(9); and

(iii) the department has found that permit issuance is not prohibited by 82-4-335(8) or 82-4-341(6).

(d) (i) Prior to issuance of a permit, the department shall inspect the site unless the department has failed to act on the application within the time prescribed in subsection (1)(b). If the site is not accessible due to extended adverse weather conditions, the department may extend the time period prescribed in subsection (1)(b) by not more than 180 days to allow inspection of the site and reasonable review. The department must serve written notice of extension upon the applicant in person or by certified mail, and any such extension is subject to appeal to the board in accordance with the Montana Administrative Procedure Act.

(ii) If the department determines that additional time is needed to review the application and reclamation plan for a major operation, the department and the applicant shall negotiate to

extend the period prescribed in subsection (1)(b) by not more than 365 days in order to permit reasonable review.

(iii) Failure of the board to act upon a complete application within the extension period constitutes approval of the application, and the permit shall be issued promptly upon receipt of the bond as required in 82-4-338.

(2) (a) Except as provided in subsection (2)(b), the department may not prepare an environmental impact statement for an operating permit application under 82-4-335 that will not, as modified by mitigation requirements agreed to by the applicant, significantly affect the quality of the human environment.

(b) If an applicant under subsection (2)(a) stipulates in writing to the department that the department may, in its discretion, prepare an environmental impact statement, the prohibition under subsection (2)(a) does not apply.

(2)(3) The operating permit shall be granted for the period required to complete the operation and shall be valid until the operation authorized by the permit is completed or abandoned unless the permit is suspended or revoked by the board as provided in this part.

(3)(4) The operating permit shall provide that the reclamation plan may be modified by the board, upon proper application of the permittee or department, after timely notice and opportunity for hearing, at any time during the term of the permit and for any of the following reasons:

(a) to modify the requirements so they will not conflict with existing laws;

(b) when the previously adopted reclamation plan is impossible or impracticable to implement and maintain;

(c) when significant environmental problem situations are revealed by field inspection.""

And, as amended, do pass. Report adopted.

**HJR 20**, introduced bill, be amended as follows:

1. Page 2, line 4.

Following: "WHEREAS,"

Insert: "according to the Montana Department of Health and Environmental Sciences,

2. Page 2, line 18.

Following: "WHEREAS,"

Insert: "according to the Montana Department of Health and Environmental Sciences,"

3. Page 2, line 19.

Strike: "23.8"

Insert: "25.2"

And, as amended, do pass. Report adopted.



**HB 517**, introduced bill, be amended as follows:

1. Page 2, line 22.

Strike: "July 1"

Insert: "June 25"

2. Page 3, line 3.

Strike: "eligible"

Insert: "qualified"

3. Page 3, lines 4 through 9.

Strike: "whose" on line 4 through "section" on line 9

Insert: "is entitled to a refund for that portion of previously purchased additional service that would otherwise cause the member to be unqualified to receive all or part of the additional service provided in this section"

4. Page 3, lines 13 and 14.

Strike: "policy" on line 13 through "employees" on line 14

Insert: "written notice of election on or before June 1, 1993, and complying with rules adopted pursuant to subsection (4)"

5. Page 3.

Following: line 19

Insert: "(5) A member who has received additional service under this section and who returns to employment for the same jurisdiction for 600 or more hours in a calendar year shall forfeit the additional service. The employer's contributions to purchase that member's additional service, minus any retirement benefits already paid, must be refunded to the employer. For purposes of this subsection, all agencies of the state, including the university system, are considered the same jurisdiction and other public employers contracting with the retirement system are each considered separate jurisdictions."

And, as amended, do pass. Report adopted.

**HB 586**, introduced bill, do pass. Report adopted.

#### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/18/93

**SB 178**, introduced by Brown

**SB 222**, introduced by Fritz

**SB 231**, introduced by Yellowtail

**SB 264**, introduced by Van Valkenburg

**SB 268**, introduced by Lynch

**SB 276**, introduced by Van Valkenburg

**SB 296**, introduced by Grosfield

#### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 18, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 116, 130 and 147 on February 18, 1993.

Sincerely,

MARC RACICOT  
Governor

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 649**, introduced by Wanzenried, Bardanouve, Christiaens, referred to Committee on Taxation

**HB 650**, introduced by Strizich, referred to Committee on State Administration

**HB 651**, introduced by Wanzenried, Harp, Gilbert (by request of the Department of Transportation), referred to Committee on Taxation

**HJR 23**, introduced by Gervais (by request of the House Committee on State Administration), referred to Committee on State Administration

Representative Grinde moved the House recess until 12:38 p.m. Motion carried.

House recessed at 12:08 p.m.

House reconvened at 12:38 p.m. Mr. Speaker in the Chair.

Representatives McCulloch, T. Nelson, Sayles, excused at this time.

### REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman):

2/19/93

**HB 564**, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "GRAIN"

Insert: "AGRICULTURAL COMMODITY"

Following: ";

Insert: "PROVIDING FOR A PRODUCER'S LIEN ON AGRICULTURAL COMMODITIES;"

2. Page 7, lines 19 and 20.

Strike: "credit" on line 19 through "sale" on line 20

Insert: "delayed payment"

3. Page 11, line 25.

Following: "fee"

Strike: the remainder of line 25 in its entirety

Insert: "of \$232 for each warehouse owned or operated by the"

4. Page 12, line 1.

Strike: ", "

Insert: ". "

5. Page 12, line 1 through line 10.

Strike: "according" on line 1 through "400" on line 10

6. Page 12, line 19.

Page 23, line 22.

Strike: "\$1,000"

Insert: "\$500"

7. Page 23, line 4.

Following: "fee"

Insert: "of \$232"

Following: "license"

Insert: ". "

8. Page 23, line 5 through line 14.

Strike: line 5 through line 14 in their entirety

9. Page 25, line 7 through line 11.

Strike: "When" on line 7 through "seller." on line 11

Insert: "Title to agricultural commodities sold to a commodity dealer under this section transfers to the commodity dealer upon physical delivery of the commodity."

10. Page 30:

Following: line 2

Insert: "NEW SECTION. Section 18. Producer's lien. (1) Agricultural commodities contained on the premises of a public warehouse operator or commodity dealer, including agricultural commodities owned by the warehouse operator or commodity dealer, are subject to a first priority lien in favor of holders of outstanding warehouse receipts, purchase contracts, scale weight tickets, or any other evidence of storage or sale.

(2) The lien must be preferred to a lien or security interest in favor of a creditor of the warehouse operator or commodity dealer regardless of the time when the creditor's lien or security interest attached to the agricultural commodities. Notice of the lien need not be filed in order to perfect the lien.

(3) The lien is discharged as to agricultural commodities sold by the warehouse operator or commodity dealer to a buyer in the ordinary course of business. The sale does not discharge the lien in favor of an individual holder of outstanding warehouse

receipts, purchase contracts, scale weight tickets, or other evidence of storage or sale, on the remaining agricultural commodities on the premises."

Renumber: subsequent sections

11. Page 30, line 4.

Following: line 3

Insert: "(1)"

12. Page 30, line 6.

Following: "."

Insert: "(2) [Section 18] is intended to be codified as an integral part of Title 80, chapter 4, part 4, and the provisions of Title 80, chapter 4, part 4, apply to [section 18]."

And, as amended, do pass. Report adopted.

**HB 648**, introduced bill, do pass and be placed on the consent calendar.  
Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

2/19/93

**HB 596**, introduced bill, be amended as follows:

1. Page 1.

Following: line 9

Insert: "STATEMENT OF INTENT

A statement of intent is required for this bill because [section 7] authorizes the department of commerce to adopt rules regulating the conduct of business in Montana by foreign trust companies. It is intended that the rules allow a foreign trust company to establish branches or offices of any sort in Montana or to solicit business in Montana only if reciprocating states within the ninth federal reserve district generally permit such solicitation."

2. Page 4, line 24 through page 5, line 6.

Following: "may" on line 24, page 4

Strike: remainder of line 24 through "office" on page 5, line 6

Insert: "conduct business in Montana only in accordance with rules promulgated by the department of commerce"

And, as amended, do pass. Report adopted.

**HB 548**, introduced bill, be amended as follows:

1. Title, lines 10 and 11.

Strike: line 10 in its entirety and "property;" on line 11

2. Page 1, line 16.

Page 2, line 5.

Strike: "11"

Insert: "10"



3. Page 3, line 18.

Strike: "It is illegal to sell or distribute"

Insert: "Montana law prohibits the sale of"

4. Page 4, line 10.

Strike: "and"

Insert: "(3) places where alcoholic beverages, as defined in 16-1-106, are offered for sale; and"

Renumber: subsequent subsection

5. Page 5, line 4.

Strike: "\$250"

Insert: "\$200"

6. Page 5, line 5.

Strike: "\$500"

Insert: "\$300"

7. Page 5, line 8.

Strike: "\$1,000"

Insert: "\$500"

8. Page 5, line 10.

Strike: "(a)"

9. Page 5, line 12.

Strike: "\$300"

Insert: "\$100"

10. Page 5, line 14.

Strike: "\$500"

Insert: "\$200"

11. Page 5, line 15.

Strike: "\$1,000"

Insert: "\$500"

12. Page 5, lines 16 through 20.

Strike: subsection (b) in its entirety

13. Page 6, line 2.

Strike: "(a)"

14. Page 6, line 5, through page 8, line 2.

Strike: line 5, page 6 through line 2, page 8 in their entirety

Renumber: subsequent sections

15. Page 8, line 5.

Strike: the first "as"

Insert: "no more"

Strike: the second "as"

Insert: "than"

16. Page 8, lines 5 and 6.

Strike: "9"

Insert: "8"

And, as amended, do pass. Report adopted.

JUDICIARY (Fagg, Chairman):

2/18/93

**HB 487**, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "ACTUARIALLY SOUND"

2. Page 1, line 24.

Strike: "actuarially sound"

3. Page 2, lines 13 and 17.

Strike: "actuarially sound"

Insert: "set"

And, as amended, do pass. Report adopted.

**HB 507**, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "officiating"

Insert: "that is alleged to have affected the outcome of the contest"

And, as amended, do pass. Report adopted.

**HB 518**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "SECTIONS 50-16-204 AND"

Insert: "SECTION"

2. Page 1, line 10 page 2, line 4.

Strike: "Section 1." on page 1, line 10 through page 2, line 4 in its entirety

Insert: "NEW SECTION. Section 1. Political use of health care information prohibited. A health care provider may not use health care information for any political purpose or in any political campaign"

3. Page 2, line 22.

Strike: "50-16-204(2)"

Insert: "[section 1]"

4. Page 2, line 25.

Following: line 24

Insert: "NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 16, part 5, and the provisions of Title 50, chapter 16, part 5, apply to [section 1]."

And, as amended, do pass. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 131** - Representative S. Rice moved SB 131 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Boharski, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Gervais, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, Menahan, L. Nelson, Peck, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Smith, Spring, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wallin, Wanzenried, Winslow, Wyatt, Mr. Speaker.

Total 60

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Brandewie, Clark, Feland, Foster, Galvin, Gilbert, H.S. Hanson, M. Hanson, Hayne, Hibbard, Kasten, Keller, Knox, Mason, McCulloch, Mills, Molnar, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Simon, Simpkins, Stovall, Tash, Vogel, Wagner, Whalen, Wiseman, Zook.

Total 38

Voted Absentee: McCulloch, No.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: None.

Total 0

**HB 319** - Representative Kadas moved consideration of HB 319 be placed above HB 320 on the second reading board. Motion carried.

Representative Kadas moved HB 319 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bird, Bohlinger, Brooke, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grimes, Grinde, Hansen, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, Menahan, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Spring, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.

Total 62

Noes: Anderson, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Clark, Cobb, Feland, Fisher, Foster, Gilbert, Grady, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Mason, McCulloch, Mills, Molnar, L. Nelson, Orr, Peterson, Rehbein, Rose, Simon, Simpkins, Stovall, Tash, Whalen, Wiseman.

Total 36

Voted Absentee: T. Nelson, Aye; McCulloch, No.

Excused: Sayles.

Total 1

Absent or not voting: Brown.

Total 1

**HB 320** - Representative Kadas moved HB 320 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, Harrington, J. Johnson, R. Johnson, Kadas, Keller, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.

Total 70

Noes: Benedict, Bergsagel, Boharski, Clark, DeBruycker, Feland, Fisher, Foster, Gilbert, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Kasten, Knox, Mason, Molnar, Orr, Peterson, Rehbein, Simpkins, Stovall, Whalen, Wiseman.

Total 25

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Brown, Daily, Harper.

Total 3

**HB 176** - Representative Grinde moved HB 176 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills,



Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Galvin, H.S. Hanson.  
Total 2

Voted Absentee: McCulloch, T. Nelson, Ayes.

Excused: Sayles.  
Total 1

Absent or not voting: None.  
Total 0

**HB 527** - Representative Brown moved consideration of HB 527 be passed for the day. Motion carried.

**HB 479** - Representative Larson moved HB 479 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Anderson, Fagg, Fisher, Foster, M. Hanson, Hayne, Kasten, Peterson, Wiseman.  
Total 9

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0

**HB 380** - Representative Ewer moved HB 380, second reading copy, be amended as follows (amendment #1):

1. Page 4, lines 19 through 23.

Strike: subsection (9) in its entirety  
Renumber: subsequent subsections

2. Page 6, line 6.

Following: "construct"

Insert: ", install, alter,"

Following: "OR"

Strike: "modify"

Insert: "use"

3. Page 6, line 8.

Following: "75-10-406"

Insert: ", except as provided in subsection (2)"

4. Page 7.

Following: line 2

Insert: "(2) An existing or permitted solid or hazardous waste incinerator or a boiler or industrial furnace subject to the provisions of 75-10-406 is subject to the provisions of subsection (1) only if it incinerates or uses as fuel or would incinerate or use as fuel solid or hazardous waste in an amount, form, kind, or content that changes the nature, character, or composition of its emissions from its design or permitted operation."

Renumber: subsequent subsections

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: None.

Total 0

Excused: McCulloch, T. Nelson, Sayles.

Total 3

Absent or not voting: Bergman, Brown, R. Johnson, McCarthy, Quilici.

Total 5

Representative Ewer moved HB 380, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 87

Noes: Bachini, DeBruycker, Hayne, Herron, Orr, Peck, Peterson, Wagner.

Total 8

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Bergman, Brown, Wyatt.

Total 3

**HB 75** - Representative T. Nelson moved consideration of HB 75 be passed for the day. Motion carried.

**HB 476** - Representative Mills moved consideration of HB 476 be passed for the day. Motion carried.

**HB 488** - Representative Brandewie moved HB 488 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: None.

Total 0

**HB 502** - Representative Barnett moved HB 502 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Fagg.

Total 2

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Bardanouve, Grady.

Total 2

**HB 506** - Representative Tash moved HB 506 do pass. Motion carried as follows:

Ayes: Bardanouve, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 81

Noes: Anderson, Bachini, Barnett, Barnhart, Bergsagel, Boharski, Davis, Ewer, Grady, Harper, Larson, McCaffree, Pavlovich, Peck, Vogel, Mr. Speaker.

Total 16



Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Cocchiarella.

Total 1

**HB 516** - Representative DeBruycker moved HB 516 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Ewer, Fagg, Foster, Gervais, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 74

Noes: Bachini, Boharski, Brown, Cocchiarella, Dowell, Endy, Feland, Fisher, Galvin, Gilbert, H.S. Hanson, Kasten, McCaffree, McCarthy, Peck, Peterson, Quilici, Ream, Ryan, Tuss, Wagner, Wanzenried, Wyatt.

Total 23

Excused: McCulloch, T. Nelson, Sayles.

Total 3

Absent or not voting: None.

Total 0

Representative Daily assumed the Chair at this time.

**HB 550** - Representative Bergman moved HB 550 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Boharski, Bohlinger, Brooke, Clark, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Fagg, Foster, Gilbert, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Kadas, Keller, McCarthy, Menahan, Molnar, Orr, Quilici, Ream, J. Rice, S. Rice, Ryan, Schwinden, Simon, Simpkins, Smith, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.

Total 55

Noes: Bachini, Barnhart, Bergsagel, Bird, Brandewie, Cobb, Cocchiarella, Dowell, Elliott, Ewer, Feland, Galvin, Gervais, Grady, Grimes, J. Johnson, R. Johnson, Kasten, Knox, Larson, Mason, McCaffree, Mills, L. Nelson, Peck, Peterson, Raney, Rehbein, Rose, Russell, Schye, Spring, Squires, Stanford, Tuss, Wanzenried, Whalen, Winslow, Wyatt.

Total 39

Excused: McCulloch, T. Nelson, Sayles.

Total 3

Absent or not voting: Brown, Fisher, Pavlovich.

Total 3

**HB 551** - Representative Cobb moved HB 551 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Driscoll.

Total 1

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: None.

Total 0

**HB 555** - Representative Pavlovich moved HB 555 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Boharski, DeBruycker, Feland, Gilbert, Knox, Rehbein, Smith.

Total 7

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Cobb, Strizich.

Total 2

Representative Pavlovich resumed the Chair at this time.

**HB 559** - Representative Anderson moved HB 559 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Gilbert, McCaffree, Peck.

Total 3

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Barnett, Feland, Hansen, Vogel.

Total 4

**HB 561** - Representative Brown moved HB 561 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Kasten, Orr, Peck, Rehbein.

Total 5

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: None.

Total 0

**HB 573** - Representative Kadas moved HB 573 do pass. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Anderson, Bachini, Bergman, Bergsagel, DeBruycker, Feland, Galvin, Hansen, Hayne, Keller, Mills, Orr, Peterson, Quilici, Rehbein, Rose, Simpkins, Wagner, Wyatt.

Total 19

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Fisher.

Total 1

**HB 593** - Representative Schye moved HB 593 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell,



Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0

**HB 594** - Representative Larson moved HB 594 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Feland, R. Johnson.  
Total 2

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0

**HB 617** - Representative Grady moved HB 617 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper,

Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: McCulloch, T. Nelson, Sayles.

Total 3

Absent or not voting: Elliott, Schye.

Total 2

**HB 621** - Representative Elliott moved HB 621 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Harper.

Total 1

**HB 395** - Representative Foster moved HB 395 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes,

Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.

Total 86

Noes: Bardanouve, Cobb, Hansen, Kadas, McCaffree, McCulloch, Peck, Raney, Schwinden.

Total 9

Voted Absentee: McCulloch, No.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Molnar, Wyatt, Zook.

Total 3

**HB 482** - Representative Bohlinger moved HB 482 do pass.

Representative J. Rice made a substitute motion HB 482, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (36-62)

Representative Bohlinger moved HB 482 do pass.

After a lengthy debate, Representative Daily made a motion for cloture on HB 482. Motion carried.

Representative Bohlinger moved his original motion that HB 482 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grimes, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Wiseman, Wyatt, Zook.

Total 74

Noes: Bergsagel, Bird, Brown, DeBruycker, Elliott, Gervais, Gilbert, Grady, Grinde, Hansen, M. Hanson, Herron, J. Johnson, Mills, Pavlovich, Peterson, Rehbein, J. Rice, Simpkins, Squires, Wagner, Whalen, Winslow, Mr. Speaker.

Total 24

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Pavlovich moved the adoption of the committee report. Report adopted. (79-15)

### REPORTS OF STANDING COMMITTEES

FISH AND GAME (Foster, Chairman): 2/19/93  
**HB 369**, introduced bill, be amended as follows:

1. Page 3, line 8.

Strike: "{a}"

Following: "Eighty"

Strike: "Forty"

Insert: "Eighty"

2. Page 3, line 9.

Following: "section"

Strike: ", "

Insert: "must be divided in the following manner:  
(a) one-third,"

3. Page 3, line 11.

Following: "87-1-209"

Strike: ". "

Insert: ":",

4. Page 3, lines 12 and 13.

Strike: "Forty percent of the money allocated by this section"

Insert: "one-third"

5. Page 3, line 15.

Strike: ". "

Insert: "; and

(c) one-third, together with the interest and income from the money, must be used for leases, cooperative management agreements, and conservation easements on wildlife habitat."

6. Page 4, line 23.

Following: "grant."

Insert: "(4)"

7. Page 4, line 24.

Following: "on"

Insert: ": {a}"



8. Page 4, line 25 through page 5, line 1.  
Following: "landowner" on page 4, line 25  
Strike: "and on"  
Insert: "; (b)"

9. Page 5, line 1.  
Following: "taken"  
Strike: ", and"  
Insert: "; (c) improvements needed to encourage hunter access, which may include gates, cattle guards, signs, road maintenance and improvements, establishment of parking areas, and similar improvements;  
(d) improvements that enhance wildlife habitat; and  
(e) whether the landowner has provided public hunting access for 7 of the 10 years prior to application for a grant or for the duration of ownership if less than 7 years.  
(5) After considering the criteria set out in subsection (4), the commission shall"

10. Page 5, line 2.  
Following: "eligible."  
Insert: "(6)"  
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 2/19/93  
**HB 601**, introduced bill, do pass. Report adopted.  
**HB 634**, introduced bill, be amended as follows:

1. Page 4, lines 8 through 12.  
Strike: section 4 in its entirety  
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HJR 23**, introduced bill, do pass. Report adopted.

### MOTIONS

Representative Grinde moved the House recess until 4:15 p.m. Motion carried.

House recessed at 3:24 p.m.

House reconvened at 4:15 p.m. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):  
2/19/93  
**HB 422**, introduced bill, be amended as follows:

1. Title, lines 6 through 8.

Strike: lines 6 and 7 in their entirety through "CIRCUMSTANCES;" on line 8

2. Title, lines 9 through 11.

Following: ";" on line 9

Strike: remainder of line 9 through ";" on line 11

3. Title, line 11.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "70-24-103"

Insert: ", 70-24-311, AND 70-24-431"

4. Page 4, lines 12 and 13.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

5. Page 4, line 15.

Strike: "a"

Insert: "A"

6. Page 4, line 18, through page 6, line 11.

Strike: ";" on line 18, page 4 through "court" on line 11, page 6

Insert: "(b) All rules must be written and must be given to each mobile home park resident who resides in a mobile home park and to all new residents of a mobile home park upon arrival."

Renumber: subsequent subsection

7. Page 6, lines 15 and 16.

Strike: "-- harassment prohibited"

Following: "meetings." on line 16

Strike: "(1)"

8. Page 6, lines 19 and 20.

Strike: line 19 in its entirety through "." on line 20

9. Page 6, line 21.

Strike: "but"

Insert: "and"

10. Page 6, lines 22 and 23.

Strike: "not be members and may not"

11. Page 6, line 23 through page 9, line 23.

Following: "meetings" on line 23, page 6

Insert: "."

Strike: the remainder of section 3 and section 4 in its entirety

Insert: "Section 4. Section 70-24-311, MCA, is amended to read:

"70-24-311. Landlord authorized to adopt rules. (1) A landlord may adopt a rule concerning the tenant's use and occupancy of the premises. A rule is enforceable against the tenant only if:

(a) its purpose is to promote the convenience, safety, or welfare of the occupants in the premises, preserve the landlord's property from abusive use, or make a fair distribution of services and facilities held out for the tenants generally;

(b) it is reasonably related to the purpose for which it is adopted;

(c) it applies to all occupants in the premises in a fair manner;

(d) it is sufficiently explicit in its prohibition, direction, or limitation of the tenant's conduct to fairly inform him of what he must or must not do to comply;

(e) it is not for the purpose of evading the obligations of the landlord; and

(f) the tenant has notice of it at the time he enters into the rental agreement or when it is adopted.

(2) As provided in subsection (1) and in conformance with the provisions of this chapter, the landlord of a mobile home park shall adopt written rules concerning the tenant's use and occupancy of the premises.

(2)(3) If a rule is adopted after a tenant enters into a rental agreement that works a substantial modification of his bargain, it is not valid until 7 days after notice to the tenant in the case of a week to week tenancy or 30 days' notice in the case of tenancies from month to month."

Section 5. Section 70-24-431, MCA, is amended to read:

"70-24-431. Retaliatory conduct by landlord prohibited. (1) Except as provided in this section, a landlord may not retaliate by increasing rent, decreasing services, or by bringing or threatening to bring an action for possession after the tenant:

(a) has complained of a violation applicable to the premises materially affecting health and safety to a governmental agency charged with responsibility for enforcement of a building or housing code;

(b) has complained to the landlord in writing of a violation under 70-24-303; or

(c) has organized or become a member of a tenant's union, mobile home park residents association, or similar organization.

(2) If the landlord acts in violation of subsection (1) of this section, the tenant is entitled to the remedies provided in 70-24-411 and has a defense in any retaliatory action against him for possession.

(3) In an action by or against the tenant, evidence of a complaint within 6 months before the alleged act of retaliation creates a rebuttable presumption that the landlord's conduct was in retaliation. The presumption does not arise if the tenant made the complaint after notice of a proposed rent increase or diminution of services. For purposes of this section, "rebuttable presumption" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

(4) Notwithstanding subsections (1), (2), and (3) of this section, a landlord may bring an action for possession if:

(a) the violation of the applicable building or housing code was caused primarily by lack of reasonable care by the tenant, a member of his family, or other persons on the premises with his consent;

(b) the tenant is in default in rent; or

(c) compliance with the applicable building or housing code requires alteration, remodeling, or demolition which would effectively deprive the tenant of use of the dwelling unit.

(5) The maintenance of an action under subsection (4) of this section does not release the landlord from liability under 70-24-405(2)."

And, as amended, do pass. Report adopted.

**HB 637**, introduced bill, be amended as follows:

1. Page 6, line 24.

Strike: "1995"

Insert: "1996"

And, as amended, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

2/19/93

**HB 355**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "AN ACT"

Insert: "REQUIRING THE BOARD OF PHARMACY TO ADOPT A RULE UNDER CERTAIN CIRCUMSTANCES; AND"

2. Title, line 5.

Strike: "THE"

Strike: "EACH"

3. Title, line 6.

Strike: "PHARMACY"

Insert: "PHARMACIES"

4. Title, lines 6 and 7.

Strike: "; PROVIDING" on line 6 through ", MCA" on line 7

5. Page 1.

Following: line 7

Insert: "WHEREAS, rapidly rising costs of prescription drugs are one of today's most serious problems facing persons on fixed or lower incomes; and

WHEREAS, even though prescription drug price increases are dictated by pharmaceutical manufacturers, there are sometimes significant differences in price for the same prescription drug among retail pharmacies; and

WHEREAS, in some instances, the ability to comparison shop for prescription drugs can be helpful to the consumer in choosing a pharmacy to patronize.



STATEMENT OF INTENT

A statement of intent is necessary for this bill because [section 1] requires the board of pharmacy, under certain circumstances, to adopt a rule requiring the listing of certain prescription drugs. The legislature intends that the board of pharmacy make every effort to devise, in consultation with senior citizens, other consumer organizations, and retail pharmacists, a workable and practical system for the listing of prescription drug prices. The list should be based upon standard assumptions as to the quantity and dosage in order to facilitate comparison of prices."

6. Page 1, line 11 through page 4, line 24.

Following: "prices --"

Strike: the remainder of line 11, the remainder of section 1, and sections 2 and 3 in their entirety.

Insert: "adoption of list by rule. If the board of pharmacy finds after a public hearing that the interests of consumers will be furthered by its action, the board shall annually adopt by rule a list of 20 prescription drugs frequently prescribed for outpatient dispensing in Montana. A licensed pharmacy, other than in a hospital or nursing home, that sells prescription drugs shall monthly post its prices for the drugs on the list adopted by the board. The list must show the drugs by brand name and retail price and by generic name and retail price."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):  
**HB 650**, introduced bill, be amended as follows:

2/19/93

1. Title, line 10.

Following: "19-7-301,"

Strike: "AND"

Following: "19-7-302,"

Insert: "AND 19-7-404,"

2. Page 5.

Following: line 25

Insert: "Section 5. Section 19-7-404, "MCA, is amended to read:

"19-7-404. ~~Counties'~~ Employer contributions. (1) The ~~various counties of Montana~~ employer shall pay monthly 7.67% of each ~~sheriff's member's~~ gross salary into the retirement account created by this chapter.

(2) If the required contribution to the retirement system exceeds the funds available to a county from general revenue sources, a county may budget, levy, and collect annually a special tax on the assessable property within the county that is sufficient to raise the amount of revenue needed to meet the county's obligation. This tax may be in addition to the annual rate of taxation allowed by law to be levied by the county."

Renumber: subsequent sections

3. Page 6, line 1.

Following: "instruction"

Insert: "-- code commissioner instruction"

Following: "."

Insert: "(1)"

4. Page 6.

Following: line 4

Insert: "(2) In each section in Title 19, chapter 7, the code commissioner shall change the term "sheriff" to "member" wherever the term is found, unless the context requires otherwise."

And, as amended, do pass. Report adopted.

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 483** - Representative Toole moved HB 483 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, Orr, Peck, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Benedict, Brown, Cobb, Dolezal, Driscoll, Galvin, Grinde, H.S. Hanson, Harper, Kadas, Kasten, McCarthy, Menahan, Molnar, L. Nelson, Pavlovich, Raney, Rehbein, Ryan, Schwinden, Squires, Tuss, Wagner, Whalen, Wyatt.

Total 25

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Bergman, Strizich.

Total 2

**HB 485** - Representative Grady moved consideration of HB 485 be passed for the day. Motion carried.

**HJR 13** - Representative Barnhart moved HJR 13 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Mason, McCarthy, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 74

Noes: Bachini, Benedict, Bergsagel, Clark, DeBruycker, Feland, Gilbert, M. Hanson, Hayne, Herron, Keller, Larson, McCaffree, McCulloch, Peck, Peterson, Rehbein, Rose, Simpkins, Smith, Spring, Vogel.  
Total 22

Voted Absentee: McCulloch, No.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: Bergman, Mills.  
Total 2

**HJR 17** - Representative Smith moved HJR 17 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 80

Noes: Bachini, Bergsagel, Clark, DeBruycker, Feland, Gilbert, R. Johnson, Keller, Larson, McCaffree, Molnar, L. Nelson, Peck, Rehbein, Vogel, Wyatt.  
Total 16

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: Benedict, Bergman.

Total 2

**HJR 16** - Representative Guilici moved HJR 16 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Guilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Hayne, Molnar, Rehbein.

Total 3

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Boharski.

Total 1

**HB 193** - Representative Tuss moved consideration of HB 193 be passed for the day. Motion carried.

**HB 228** - Representative Toole moved HB 228 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Guilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bachini, Bergsagel, Feland, Grinde, Rehbein, Vogel, Whalen.

Total 7



Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: Elliott.  
Total 1

**HB 274** - Representative Brown moved HB 274, second reading copy, be amended as follows (amendment #1):

1. Title, line 4.

Following: "AN ACT"

Insert: "REQUIRING CERTIFICATION FOR THE PRACTICE OF  
COUNSELING PROBLEM GAMBLERS;"

2. Title, line 5.

Strike: "AND"

3. Title, line 8.

Following: "CERTIFICATION"

Insert: "; AND PROVIDING PENALTIES"

4. Page 5.

Following: line 22

Insert: "NEW SECTION. Section 5. Practice without license prohibited --  
penalty. (1) A person may not act as a problem gambling  
counselor without a certification issued by the department in  
accordance with [sections 1 through 5].

(2) A person acting as a problem gambling counselor  
without a certification issued by the department in accordance with  
[sections 1 through 5] is punishable by a fine of not more than  
\$500, by imprisonment for not more than 6 months, or both."

Renumber: subsequent sections

5. Page 2, line 5.

Page 6, lines 4 and 6.

Strike: "4"

Insert: "5"

Amendment #1 passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird,  
Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily,  
Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster,  
Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M.  
Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R.  
Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy,  
Menahan, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, S.  
Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring,  
Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss,  
Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr.  
Speaker.

Total 83

Noes: Bachini, Bergsagel, Boharski, DeBruycker, Feland, Fisher, McCaffree, Mills, Molnar, Peck, Rehbein, Simon, Vogel.

Total 13

Excused: McCulloch, T. Nelson, Sayles.

Total 3

Absent or not voting: J. Rice.

Total 1

Representative Brown moved HB 274, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Bachini, Barnett, Bergman, Bergsagel, Clark, DeBruycker, Fagg, Feland, Fisher, Grimes, Grinde, Hayne, Herron, R. Johnson, Kasten, Mason, Molnar, Peck, Rehbein, Vogel, Wagner, Wallin.

Total 22

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: None.

Total 0

**HB 338** - Representative Ream moved HB 338 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel,

Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Bachini, Barnett, Bergsagel, Boharski, Ellis, Feland, Fisher, Molnar, Peck, Stovall.  
Total 10

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0

**HB 341** - Representative Harper moved HB 341 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Feland, H.S. Hanson, Orr, Ryan, Spring.  
Total 5

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: Fagg.  
Total 1

**HB 381** - Representative Ryan moved HB 381 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree,

McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.

Total 87

Noes: Bergsagel, Boharski, Feland, Fisher, Grinde, Hayne, Kasten, Simon, Wyatt, Zook.

Total 10

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Molnar.

Total 1

**HB 576** - Representative Endy moved HB 576 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 71

Noes: Bardanouve, Barnett, Barnhart, Bergman, Brooke, DeBruycker, Dolezal, Ewer, Gervais, J. Johnson, R. Johnson, Kadas, Keller, Mills, S. Rice, Rose, Russell, Spring, Tuss, Wallin, Zook.

Total 21

Excused: McCulloch, T. Nelson, Sayles.

Total 3

Absent or not voting: Cocchiarella, Gilbert, Hansen, Smith, Strizich.

Total 5

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Pavlovich moved the adoption of the committee report. Report adopted. (85-8)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:



**HB 82** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Orr, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Bachini, Barnhart, Bergsagel, Daily, DeBruycker, Driscoll, Feland, Fisher, Grinde, Kasten, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Rehbein, Ryan, Winslow.

Total 18

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Gilbert.

Total 1

**HB 213** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Foster, Grinde, Herron.

Total 3

**HB 280** passed as follows:

Ayes: Anderson, Bardanouve, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCarthy, McCulloch, Menahan, Orr, Pavlovich, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Bachini, Barnett, Barnhart, Bergsagel, Boharski, Brown, Clark, Cobb, Cocchiarella, Dowell, Feland, Galvin, H.S. Hanson, Hayne, Kasten, Keller, McCaffree, Mills, Molnar, L. Nelson, Peck, Peterson, Quilici, Stanford, Vogel, Wagner, Wallin, Wanzenried, Wyatt.

Total 29

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Mason.

Total 1

**HB 318** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bachini, Barnhart, DeBruycker, Feland, Fisher, Herron, Kasten, McCaffree, Peterson.

Total 9

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Hansen.

Total 1

**HB 336** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Kadas.  
Total 1

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0

**HB 364** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: Foster, S. Rice.  
Total 2

**HB 374** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Anderson, Cobb, DeBruycker, Feland, Hayne, Orr, Peck, Spring, Wagner.  
Total 9

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0

**HB 394** passed as follows:

Ayes: Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Dolezal, Driscoll, Elliott, Ellis, Endy, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Schye, Simon, Smith, Spring, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt.  
Total 63

Noes: Anderson, Bardanouve, Bergsagel, Boharski, Cobb, Cocchiarella, Davis, DeBruycker, Dowell, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, M. Hanson, Hayne, R. Johnson, Kadas, Kasten, McCaffree, McCulloch, Molnar, L. Nelson, Peck, Peterson, Rehbein, Ryan, Schwinden, Simpkins, Squires, Stanford, Winslow, Zook, Mr. Speaker.  
Total 35

Voted Absentee: McCulloch, No.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0



**HB 398** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schye, Simon, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bergsagel, Boharski, Feland, Hayne, Peterson, Schwinden, Simpkins, Smith, Stovall, Winslow.  
Total 10

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: Herron.  
Total 1

**HB 408** passed as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Orr, Peck, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 76

Noes: Bachini, Barnett, Bergsagel, Boharski, Brown, Cobb, DeBruycker, Feland, Galvin, H.S. Hanson, Hayne, Kasten, McCaffree, Molnar, L. Nelson, Pavlovich, Peterson, Quilici, Rehbein, Simpkins, Vogel, Wagner.  
Total 22

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0

**HB 443** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Barnhart, Driscoll, Elliott, Gervais, Molnar, Russell, Ryan, Smith, Whalen.

Total 9

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Rehbein.

Total 1

**HB 489** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Gilbert, Toole, Wallin.

Total 3

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: None.

Total 0

**HB 494** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82

Noes: Bergman, Bergsagel, DeBruycker, Feland, Gilbert, Hayne, Kasten, Larson, Molnar, L. Nelson, Orr, Peterson, Rehbein, J. Rice, Vogel.  
Total 15

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: S. Rice.  
Total 1

**HB 510** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: DeBruycker, Kasten, Rehbein, Wagner.  
Total 4

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: Larson.  
Total 1

**HB 520** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 81

Noes: Bachini, Bergman, Bergsagel, Brandewie, Feland, Grady, Grinde, Hayne, Kasten, Molnar, Orr, Peck, Peterson, Smith, Wagner, Zook.

Total 16

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Bird.

Total 1

**HB 521** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Bird, Bohlinger, Orr, Wagner.

Total 4



**HB 528** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: DeBruycker, Hayne, Kasten, Rehbein, Smith, Wagner, Winslow.  
Total 7

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: Gilbert.  
Total 1

**HB 538** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0

**HB 543** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Brandewie, Mason, Peck, Peterson.  
Total 4

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0

**HB 566** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: Bardanouve, Hansen.  
Total 2

**HB 575** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Driscoll, Raney.

Total 2

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Herron, Wiseman.

Total 2

**HB 577** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Larson, Wagner.

Total 2

**HB 584** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Anderson, Boharski, DeBruycker, Kasten, Peterson, Rehbein, Wagner.

Total 7

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Bergsagel, Keller.

Total 2

**HJR 10** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.

Total 2

Absent or not voting: Daily, Larson.

Total 2



**HJR 11** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Feland, Molnar.  
Total 2

Voted Absentee: McCulloch, Aye.

Excused: T. Nelson, Sayles.  
Total 2

Absent or not voting: None.  
Total 0

**MOTIONS**

Representative J. Rice moved HB 525 and HB 574 be taken from the Committee on Judiciary and rereferred to the Committee on Appropriations. Motion carried.

Representative L. Nelson moved HB 541 be taken from the table in the Committee on Highways and Transportation, printed, and placed on second reading this legislative day. Motion carried.

Representative Grimes moved HB 623 be taken from the table in the Committee on Human Services and Aging, printed, and placed on second reading this legislative day. Motion carried. (54-42)

Representative Squires moved HB 522 be taken from the Committee on Labor and Employment Relations and rereferred to the Committee on Appropriations. Motion carried.

Representative Foster moved the rules be suspended to permit the late drafting and introduction of a resolution. Motion carried.

Representative Toole moved HB 590 be taken from the table in the Committee on Judiciary, printed, and placed on second reading this legislative day. Motion failed. (44-53)

Representative Molnar moved HB 370 be taken from the table in the Committee on Judiciary, printed, and placed on second reading this legislative day. Motion failed. (39-55)

Representative Grady moved HB 483 be taken from engrossing and rereferred to the Committee on Appropriations. Motion carried.

Representative Grady moved HB 482 be taken from engrossing and rereferred to the Committee on Appropriations. Motion carried.

#### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, February 20, 1993. Motion carried.

House adjourned at 6:15 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## FORTY-SECOND LEGISLATIVE DAY

Helena, Montana  
February 20, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Endy. Pledge of Allegiance to the Flag.

Roll call. All members present except McCulloch, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Linda D. Ferris, Ronan (permanent page)  
Tana Josserand, Colstrip  
David D. Simon, Billings  
Shelli L. Winslow, Billings  
Ryan A. Rominger, Floweree  
Heidi J. Drescher, Anaconda  
Keely Nicole Wyatt, Great Falls  
Greg Laukasik, Eraro  
Turk Stovall, Billings  
Tony Fabian, Glendive  
Deidre L. Edwards, Glendive  
Christine Whitmer, Billings  
Jill D. Brown, Laurel  
Ben Good, Great Falls

### Honorary Pages

Kelsey Karsten, Polson  
Dan DeVries, Polson  
Catie Cuchine, Polson  
Kristin Robinson, Polson

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/20/93  
Correctly printed for second reading: HB 129, HB 309, HB 355, HB 369, HB 419, HB 422, HB 425, HB 463, HB 465, HB 487, HB 503, HB 507, HB 512, HB 517, HB 518, HB 530, HB 532, HB 541, HB 548, HB 564, HB 567, HB 585, HB 586, HB 596, HB 599, HB 601, HB 606, HB 613, HB 631, HB 634, HB 635, HB 637, HB 644, HB 650, HJR 20, HJR 23.  
Correctly engrossed for third reading: HB 176, HB 228, HB 274, HB 319, HB 320, HB 338, HB 341, HB 380, HB 381, HB 395, HB 479, HB 482, HB 483, HB 488, HB 502, HB 506, HB 516, HB 536, HB 550, HB 551, HB 555, HB 559, HB 561, HB 573, HB 576, HB 593, HB 594, HB 617, HB 621, HB 648, HJR 13, HJR 16, HJR 17, SB 131.  
Examined by the sponsor and found to be correct:  
HB 180 - Anderson  
Signed by the Speaker at 3:00 p.m., 1/27/93: HB 20, HB 37, HB 55, SB 1, SJR 9.

APPROPRIATIONS (Zook, Chairman):

2/18/93

**HB 193**, introduced bill, be amended as follows:

1. Page 4, line 10.

Following: "4."

Strike: remainder of line 10

Insert: "Disposition"

2. Page 4, lines 11 through 12.

Following: "funds."

Strike: "(1) There is a produce account in the state special revenue fund."

3. Page 4, lines 14 through 21.

Following: "in the"

Strike: remainder of line 14 through line 21

Insert: "general fund."

4. Page 13, line 5.

Following: "shall"

Strike: "transfer"

Insert: "retain"

5. Page 13, line 5.

Following: "fee"

Strike: "to the"

6. Page 13, line 6.

Strike: "produce account established in [section 4]"

Insert: "and deposit it in the general fund"

And, as amended, do pass. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

2/19/93

**HB 614**, introduced bill, be amended as follows:

1. Title, lines 7 through 9.

Strike: "SUBJECTING" on line 7 through "SUPPORT;" on line 9

2. Title, lines 11 through 14.

Strike: "PROVIDING" on line 11 through "19-21-212," on line 14

Following: "AND" on line 14

Insert: "AMENDING SECTION"

3. Page 1, line 18 through page 10, line 1.

Strike: sections 1 through 12 in their entirety

Renumber: subsequent sections

4. Page 15, line 3 through page 16, line 5.

Strike: section 15 in its entirety

Renumber: subsequent sections

5. Page 16, line 6.

Strike: "Insurance company"

Insert: "Insurer"

6. Page 16, line 13.



Following: "insurance"

Insert: "or a membership certificate"

7. Page 16, line 15.

Following: "title"

Insert: "or a health service corporation authorized to issue membership certificates pursuant to this title"

8. Page 16, line 18.

Strike: "insurance company"

Insert: "insurer"

9. Page 16, line 21.

Strike: "company"

Insert: "insurer"

10. Page 16, line 22.

Strike: "company's"

Insert: "insurer's"

11. Page 17, line 1.

Strike: "insurance company"

Insert: "insurer"

12. Page 17, lines 3 and 5.

Strike: "14"

Insert: "2"

13. Page 17, lines 6 through 9.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

14. Page 17, lines 10 and 12.

Strike: "16"

Insert: "3"

And, as amended, do pass. Report adopted.

**HB 619**, introduced bill, do pass. Report adopted.

**HJR 19**, introduced bill, do pass. Report adopted.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/19/93

**SB 23**, introduced by Aklestad

**SB 119**, introduced by Halligan

**SB 120**, introduced by Franklin

**SB 163**, introduced by Harp

**SB 176**, introduced by Bianchi

**SB 217**, introduced by Nathe

**SB 260**, introduced by Bartlett

**SB 294**, introduced by Keating

**SB 307**, introduced by Waterman  
**SB 312**, introduced by Beck  
**SB 319**, introduced by Hockett  
**SB 321**, introduced by Christiaens  
**SB 353**, introduced by Harding  
**SB 357**, introduced by Doherty  
**SB 369**, introduced by Rea  
**SB 383**, introduced by Grosfield  
**SJR 14**, introduced by Grosfield  
**SJR 15**, introduced by Christiaens  
**SJR 16**, introduced by Jacobson  
**SJR 17**, introduced by Weeding

House amendments to Senate bill concurred in:

2/19/93

**SB 29**, introduced by Towe

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 19, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 41, 101, 103, 119, 194 and 224 on February 19, 1993.

Sincerely,

MARC RACICOT  
Governor

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative J. Rice moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 527** - Representative Brown moved HB 527 do pass. Motion failed as follows:

Ayes: Anderson, Benedict, Bird, Boharski, Brandewie, Brown, Clark, Daily, DeBruycker, Dowell, Driscoll, Ellis, Fisher, Foster, Gervais, Hansen, M. Hanson, Harrington, Hayne, Larson, McCulloch, Menahan, Molnar, Pavlovich, Peterson, Quilici, Raney, Rehbein, S. Rice, Rose, Russell, Ryan, Stovall, Strizich, Tuss, Whalen, Winslow.  
Total 37

Noes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brooke, Cobb, Cocchiarella, Davis, Dolezal, Elliott, Endy, Ewer, Fagg, Feland, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Mills, L. Nelson, T. Nelson, Orr, Peck, Ream, J. Rice, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 63

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 75** - Representative T. Nelson moved HB 75, second reading copy, be amended as follows (amendment #1):

1. Title, line 14.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 16, line 3.

Following: line 2

Insert: "NEW SECTION. Section 9. Termination. [This act] terminates January 1, 1995."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 94

Noes: None.

Total 0

Excused: McCulloch.

Total 1

Absent or not voting: Bergman, Gervais, Molnar, T. Nelson, Mr. Speaker.

Total 5

Representative T. Nelson moved HB 75, as amended, do pass.

Representative Grinde made a substitute motion HB 75 be placed below HB 633 on the second reading board. Motion carried.

**HB 476** - Representative Mills moved consideration of HB 476 be passed for the day. Motion carried.

**HB 485** - Representative Simpkins moved HB 485, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (41-59)

Representative Cocchiarella moved HB 485, second reading copy, be amended (amendment #2). Amendment #2 failed as follows: (47-53)

Representative Grady moved HB 485 do pass. Motion failed as follows:

Ayes: Barnett, Barnhart, Bergman, Brandewie, Brown, Daily, Davis, Foster, Galvin, Grady, Grimes, M. Hanson, Hayne, Hibbard, Mason, T. Nelson, Orr, Peterson, Ream, J. Rice, S. Rice, Rose, Schye, Simpkins, Spring, Squires, Winslow, Wiseman.

Total 28

Noes: Anderson, Bachini, Bardanouve, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Clark, Cobb, Cocchiarella, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Gervais, Gilbert, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Rehbein, Russell, Ryan, Sayles, Schwinden, Simon, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.

Total 72

Voted Absentee: McCulloch, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 595** - Representative Harper moved HB 595 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch,



Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bergman, Fisher.

Total 2

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde assumed the Chair at this time.

**HB 314** - Representative Grady moved HB 314, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (29-70)

Representative Raney moved HB 314 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Benedict, Bergman, Bergsagel, Clark, DeBruycker, Grady, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Mason, Orr, Peterson, Rehbein, Rose, Sayles, Simpkins, Spring, Tash, Vogel, Wagner, Winslow.

Total 24

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 432** - Representative Smith moved HB 432 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, Orr, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bachini, Brandewie, Daily, Driscoll, Feland, Fisher, Gilbert, Grinde, Molnar, Pavlovich, Peck.

Total 11

Excused: McCulloch.

Total 1

Absent or not voting: T. Nelson.

Total 1

**HB 607** - Representative Elliott moved HB 607 do pass. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 87

Noes: Anderson, Bachini, DeBruycker, Harrington, Kadas, Peck, Quilici, Rehbein, Sayles, Wanzenried, Wyatt.

Total 11

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Gervais, Russell.

Total 2

**HB 448** - Representative Orr moved HB 448 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 99

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 492** - Representative Dowell moved HB 492 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grimes, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Wiseman, Wyatt, Mr. Speaker.

Total 80

Noes: Anderson, Barnett, Bergsagel, DeBruycker, Feland, Foster, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Kasten, T. Nelson, Orr, Peterson, Rehbein, Tash, Wallin, Winslow, Zook.

Total 20

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 562** - Representative J. Rice moved HB 562 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: McCaffree.

Total 1

**HB 571** - Representative Brown moved HB 571 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 97

Noes: McCulloch, Molnar, Wyatt.

Total 3

Voted Absentee: McCulloch, No.

Excused: None.

Total 0



Absent or not voting: None.  
Total 0

**HB 572** - Representative Galvin moved HB 572 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Anderson, Boharski, Feland, Kasten, Wagner.  
Total 5

Voted Absentee: McCulloch, Aye.

Excused: None.  
Total 0

Absent or not voting: Strizich.  
Total 1

Representative Simon resumed the Chair at this time.

**HB 581** - Representative S. Rice moved HB 581 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 70

Noes: Bachini, Barnett, Bergman, Bergsagel, DeBruycker, Feland, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Knox, Mason, McCaffree, Orr, Peck, Peterson, Rehbein, Rose, Simpkins, Spring, Tash, Vogel, Wiseman, Zook.

Total 30

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 633** - Representative Russell moved HB 633 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Brown, Feland, Spring.

Total 4

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Driscoll, Molnar.

Total 2

**HB 75** - Representative T. Nelson moved HB 75, second reading copy, be further amended as follows (amendment #2):

1. Page 7, line 25 through page 8, line 2.

Following: "A" on page 7, line 25

Strike: "~~4-YEAR~~"

Insert: "2-year"

Following: "TERM" on page 7, line 25

Strike: "EXCEPT" on page 7 line 25 through "2-YEAR TERMS" on page 8 line 2

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes,

Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: McCulloch.  
Total 1

Absent or not voting: Bergman, Driscoll, Ewer, Menahan.  
Total 4

Representative T. Nelson moved HB 75, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, DeBruycker, Dowell, Ellis, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCulloch, Menahan, Mills, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Zook, Mr. Speaker.  
Total 55

Noes: Bardanouve, Barnhart, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, L. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Stanford, Strizich, Swanson, Tuss, Wanzenried, Whalen, Winslow, Wiseman, Wyatt.  
Total 43

Voted Absentee: McCulloch, Aye.

Excused: None.  
Total 0

Absent or not voting: Boharski, Molnar.  
Total 2

**HB 157** - Representative Vogel moved HB 157, second reading copy, be amended as follows (amendment #1):

1. Page 19, lines 7 through 10.  
Strike: "DEPARTMENT" on line 7 through "61-8-722" on line 10  
Insert: "general fund of the arresting agency"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 91

Noes: Brown, Cocchiarella, Menahan, Ream, Wyatt.  
Total 5

Excused: McCulloch.  
Total 1

Absent or not voting: Benedict, R. Johnson, Whalen.  
Total 3

Representative Vogel moved HB 157, as amended, do pass.

Representative Brown made a substitute motion HB 157 be indefinitely postponed. Motion failed as follows:

Ayes: Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Gilbert, Hansen, Harrington, Herron, Hibbard, J. Johnson, Kasten, Larson, McCarthy, Menahan, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Schwinden, Squires, Swanson, Tuss, Whalen, Winslow, Wyatt.  
Total 41

Noes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, Mills, Molnar, Orr, Peck, Peterson, J. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Zook, Mr. Speaker.  
Total 58

Excused: McCulloch.  
Total 1

Absent or not voting: None.  
Total 0



Thereupon, HB 157, as amended, passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, DeBruycker, Dowell, Driscoll, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Raney, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Bird, Brooke, Brown, Daily, Davis, Dolezal, Elliott, Endy, Gervais, Gilbert, Grady, Hansen, Harrington, Hibbard, J. Johnson, Kasten, Larson, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Ream, Rehbein, Russell, Schwinden, Squires, Swanson, Wagner, Whalen, Winslow, Wyatt.

Total 34

Voted Absentee: McCulloch, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 335** - Representative Toole moved HB 335 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Hayne, Mills.

Total 3

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Feland, Gervais, Grady.

Total 3

**HB 416** - Representative Strizich moved HB 416, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (43-56)

Representative Strizich moved HB 416 do pass. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Boharski, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.

Total 64

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Brandewie, Clark, DeBruycker, Feland, Fisher, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Molnar, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Tash, Whalen, Wiseman.

Total 36

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair.

Representative Grinde moved the House recess until 1:15 p.m. Motion carried.

House recessed at 12:15 p.m.

House reconvened at 1:15 p.m. Mr. Speaker in the Chair.

Representatives Boharski, Harper, R. Johnson, Kadas, McCulloch and Peck excused at this time.

#### REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

2/20/93

**HB 459**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "OF THE"

Strike: "3"

Insert: "CURRENT YEAR AND THE 2"

2. Title, line 9.

Following: "THE"

Strike: "PREVIOUS"

Insert: "CURRENT"

3. Page 2, line 11.

Strike: "through (7)"

Insert: "and (6)"

4. Page 3, lines 5 and 6.

Page 5, lines 16 and 17.

Following: "(5)" on lines 5 and 16

Strike: remainder of lines 5 and 16 through the first "the" on lines 6 and 17

Insert: "The"

5. Page 3, line 23 through page 4, line 12.

Strike: subsection (7) in its entirety

6. Page 6, lines 11 through 13.

Following: "in" on line 11

Insert: "the current year or in"

Following: "year" on line 11

Strike: remainder of line 11 through "year" on line 13

7. Page 6, line 18.

Following: the second "the"

Strike: "3"

Insert: "current year and the 2"

8. Page 6, line 21.

Following: "the"

Strike: "previous"

Insert: "current"

9. Page 7, line 12.

Following: "year"

Strike: "beginning July 1, 1994"

Insert: "ending June 30, 1993"

And, as amended, do pass. Report adopted.

JUDICIARY (Fagg, Chairman):

2/19/93

**HB 346**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Strike: "LIMITING" on line 7 through "LIMITATIONS" on line 8

Insert: "PROVIDING FOR PERIODIC PAYMENT OF FUTURE DAMAGES  
UNDER CERTAIN CONDITIONS"

2. Title, line 8.

Strike: ", "

Insert: "AND"

3. Title, line 9.

Strike: "27-1-714" through "27-2-401,"

4. Page 1, line 18.

Page 2, lines 1 (two places), 5, 7, 8, and 18.

Strike: "\$250,000"

Insert: "\$500,000"

5. Page 3, line 5.

Following: "27-6-103"

Insert: ", or a nurse licensed under Title 37, chapter 8"

6. Page 3, line 19.

Following: "27-6-103,"

Insert: "or against a nurse licensed under Title 37, chapter 8,"

7. Page 7, line 16 through line 24 of page 12.

Strike: sections 5 through 8 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 582**, introduced bill, be amended as follows:

1. Title, lines 10 through 12.

Strike: "ALLOWING" on line 10 through "STATES;"  
on line 12

2. Page 5, line 15 through line 7 of page 6

Strike: sections 3 and 4 in their entirety

And, as amended, do pass. Report adopted.

**HB 610**, introduced bill, be amended as follows:

1. Page 2, line 5.

Following: "[section 1]"

Insert: "that threatens the health or safety of one or more individuals  
entrusted to the care of the person"

2. Page 2, line 6.

Following: "each"

Insert: "day that a facility is in"

Following: "violation"

Insert: "of a provision of part 1 or 2 of this chapter or of a rule, license  
provision, or order adopted or issued pursuant to part 1 or 2"



3. Page 2, lines 6 and 7.

Strike: "Each" on line 6 through "offense." on line 7

4. Page 2, lines 15 and 16.

Strike: "patient protection account provided for in [section 7]"

Insert: "general fund"

5. Page 2, line 22.

Strike: "an"

Insert: "a criminal"

6. Page 2, line 23.

Following: "knowingly"

Insert: "does any of the following and by doing so threatens the health or safety of one or more individuals entrusted to the care of the person"

7. Page 3, line 12.

Strike: "guilty of an offense"

Insert: "convicted"

8. Page 3, line 15.

Following: "offense"

Insert: "for each day that a facility is in violation of a provision of part 1 or 2 of this chapter or of a rule, license provision, or order adopted or issued pursuant to part 1 or 2"

9. Page 3, lines 15 and 16.

Strike: "Each" on line 15 through end of line 16

10. Page 3, line 17.

Strike: "Action"

Insert: "Prosecution"

11. Page 3, line 20.

Strike: "an action to collect a penalty"

Insert: "prosecution"

12. Page 3, lines 23 through 25.

Strike: subsection (5) in its entirety

13. Page 4, lines 2 and 3.

Strike: "--administrative" on line 2 through "penalty" on line 3

14. Page 4, line 11.

Following: "violation."

Insert: "The notice must inform the alleged violator of the right to a hearing and that the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to the hearing."

15. Page 4, lines 15 and 16.

Strike: ", or" on line 15 through "both" on line 16

16. Page 5, lines 2 and 3.

Strike: "or an" on line 2 through "or both" on line 3

17. Page 5, line 5.

Strike: ";

Insert: "and the"

18. Page 5, lines 6 and 7.

Strike: "; or" on line 6 through "paid" on line 7

19. Page 5, line 11 through line 5 of page 6.

Strike: subsections (3) and (4) in their entirety

Re-number: subsequent subsections

20. Page 6, lines 16 through 18.

Strike: "This" on line 16 through "means." on line 18

Insert: "Before acting under this section, the department shall attempt to obtain voluntary compliance through a warning, conference, or any other appropriate and reasonable method."

21. Page 6, lines 23 through 25.

Strike: subsection (9) in its entirety

22. Page 7, line 1.

Strike: "Upon"

Insert: "If receivership has not already been instituted under medicaid or medicare, upon"

23. Page 7, lines 14 through 22.

Strike: subsections (e) and (2) in their entirety

Re-number: subsequent subsections

24. Page 7, line 23.

Strike: "In the event of"

Insert: "If the department believes there is"

25. Page 7, lines 23 and 24.

Strike: ", within" on line 23 through "department" on line 24

Insert: "that presents or might present an immediate and serious threat to the health or safety of patients or residents of a facility"

26. Page 7, line 24.

Following: "appointed"

Insert: "by the court"

27. Page 10, lines 2 and 3.

Strike: subsection (a) in its entirety

Re-number: subsequent subsections

28. Page 10, lines 11 through 13.

Strike: "parts" on line 11 through "administration" on line 13

Insert: "a facility during receivership"

29. Page 10, line 17.

Strike: "."

Insert: "; and

(d) to reimburse residents or patients for personal funds in or on the facility premises or in a facility account that are lost by a resident or patient through the fault of the facility."

30. Page 14, line 16.

Strike: "department"

Insert: "prevailing party"

31. Page 14, line 23.

Strike: "patient protection account provided for in [section 7]"

Insert: "general fund"

32. Page 15, line 6.

Following: "~~not~~"

Insert: "not"

33. Page 16, line 15.

Following: "patient's"

Insert: "or resident's"

34. Page 17, line 5.

Following: "board"

Insert: "or court"

And, as amended, do pass. Report adopted.

Representative Grinde moved the House recess until 1:45 p.m. Motion carried.

House recessed at 1:17 p.m.

House reconvened at 1:45 p.m. Mr. Speaker in the Chair.

Representatives Boharski and Harper present at this time.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 237** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney,

Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Voted Absentee: R. Johnson, McCulloch, Ayes.

Excused: Kadas, Peck.  
Total 2

Absent or not voting: Cobb, S. Rice.  
Total 2

**HB 245** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Peterson, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Zook, Mr. Speaker.  
Total 78

Noes: Anderson, Bergman, Bergsagel, Boharski, Bohlinger, DeBruycker, Feland, Gilbert, Grady, H.S. Hanson, M. Hanson, Hayne, Kasten, Orr, Pavlovich, Rehbein, Simpkins, Spring, Wiseman, Wyatt.  
Total 20

Voted Absentee: R. Johnson, Kadas, McCulloch, Ayes.

Excused: Peck.  
Total 1

Absent or not voting: S. Rice.  
Total 1

**HB 350** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich,



Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Brooke, Cocchiarella, McCaffree, Russell.  
Total 5

Voted Absentee: R. Johnson, McCulloch, Ayes.

Excused: Kadas, Peck.  
Total 2

Absent or not voting: Brandewie, Harper, S. Rice.  
Total 3

**HB 411** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, T. Nelson, Peterson, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 78

Noes: Barnett, Brown, Cocchiarella, Daily, Davis, Driscoll, Endy, Feland, Galvin, Grinde, Harrington, Larson, McCarthy, L. Nelson, Orr, Pavlovich, Quilici, Ryan, Toole.  
Total 19

Voted Absentee: R. Johnson, McCulloch, Ayes.

Excused: Kadas, Peck.  
Total 2

Absent or not voting: S. Rice.  
Total 1

**HB 440** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice,

Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Anderson, DeBruycker, Feland, Foster, M. Hanson, Hayne, Kasten, McCaffree, L. Nelson, Peterson, Rehbein.

Total 11

Voted Absentee: R. Johnson, McCulloch, Ayes.

Excused: Kadas, Peck.

Total 2

Absent or not voting: S. Rice.

Total 1

**HB 454** passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Dowell, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Strizich, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Bardanouve, Barnhart, Bird, Brooke, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Raney, Ream, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 38

Voted Absentee: R. Johnson, Aye; McCulloch, No.

Excused: Kadas, Peck.

Total 2

Absent or not voting: Brown, S. Rice.

Total 2

**HB 469** passed as follows:

Ayes: Bardanouve, Barnhart, Boharski, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Harper, Harrington, J. Johnson, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 49

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Brandewie, Clark, DeBruycker, Ellis, Feland, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 48

Voted Absentee: McCulloch, Aye; R. Johnson, No.

Excused: Kadas, Peck.  
Total 2

Absent or not voting: S. Rice.  
Total 1

**HJR 22** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Driscoll, Grimes, Molnar.  
Total 3

Voted Absentee: McCulloch, Aye.

Excused: R. Johnson, Kadas, Peck.  
Total 3

Absent or not voting: Daily.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 433** - Representative Ellis moved HB 433 do pass. Motion carried as follows:

Ayes: Anderson, Bird, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Feland, Foster, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Ryan, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Tash, Toole, Wallin, Whalen, Winslow, Wiseman, Zook.

Total 56

Noes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Dowell, Elliott, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Harper, Herron, R. Johnson, Kasten, Mason, McCaffree, T. Nelson, Ream, Russell, Sayles, Schwinden, Schye, Squires, Swanson, Tunby, Tuss, Vogel, Wagner, Wanzenried, Wyatt, Mr. Speaker.

Total 42

Voted Absentee: McCulloch, Aye; R. Johnson, No.

Excused: Kadas, Peck.

Total 2

Absent or not voting: None.

Total 0

**HJR 15** - Representative Bardanouve moved HJR 15 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Barnhart, Molnar.

Total 2

Voted Absentee: McCulloch, Aye.



Excused: R. Johnson, Kadas, Peck.  
Total 3

Absent or not voting: DeBruycker, Ellis, Mills.  
Total 3

**HJR 21** - Representative Whalen moved HJR 21 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dowell, Driscoll, Elliott, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, S. Rice, Russell, Ryan, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 76

Noes: Brooke, Brown, Dolezal, Ellis, Fagg, Hansen, Hayne, Herron, Kasten, McCulloch, Peterson, Ream, Rehbein, J. Rice, Rose, Sayles, Schye, Strizich, Swanson, Tuss, Wyatt.  
Total 21

Voted Absentee: McCulloch, No.

Excused: R. Johnson, Kadas, Peck.  
Total 3

Absent or not voting: None.  
Total 0

**HB 129** - Representative Wanzenried moved HB 129 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: R. Johnson, Kadas, Peck.

Total 3

Absent or not voting: Harper.

Total 1

**HB 309** - Representative Kasten moved HB 309 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Clark, Daily, McCaffree, Pavlovich, Quilici.

Total 5

Voted Absentee: McCulloch, Aye.

Excused: R. Johnson, Kadas, Peck.

Total 3

Absent or not voting: Brown, Galvin, Wyatt.

Total 3

**HB 355** - Representative Harper moved HB 355 do pass. Motion carried as follows:

Ayes: Bachini, Bardanoue, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 86

Noes: Anderson, Barnett, Bergman, Bergsagel, Grimes, Kasten, J. Rice, Smith, Wallin.

Total 9

Voted Absentee: McCulloch, Aye.

Excused: R. Johnson, Kadas, Peck.

Total 3

Absent or not voting: Peterson, Mr. Speaker.

Total 2

Representatives R. Johnson, Kadas and Peck present at this time.

**HB 369** - Representative M. Hanson moved HB 369 do pass.

Representative Hibbard made a substitute motion HB 369 do not pass.  
Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 84

Noes: Bergsagel, Cobb, DeBruycker, Gilbert, H.S. Hanson, M. Hanson, Hayne, Kasten, Keller, Mason, L. Nelson, Rehbein, Tash, Zook.

Total 14

Excused: McCulloch.

Total 1

Absent or not voting: Grady.

Total 1

**HB 419** - Representative Grady moved HB 419 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici,

Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker:

Total 95

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde, Hayne, Schye, Wiseman, Zook.

Total 5

**HB 422** - Representative Larson moved HB 422 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, DeBruycker.

Total 2

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Bergman, Harrington, Molnar, Vogel.

Total 4

**HB 465** - Representative Ryan moved HB 465 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson,



Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: None.  
Total 0

Absent or not voting: Harper.  
Total 1

**HB 470** - Representative Driscoll moved HB 470 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Fisher.  
Total 1

Voted Absentee: McCulloch, Aye.

Excused: None.  
Total 0

Absent or not voting: Barnhart.  
Total 1

**HB 512** - Representative Gilbert moved HB 512 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 517** - Representative Harper moved HB 517 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Hibbard, J. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Bachini, Bardanouve, Bergman, Bird, DeBruycker, Elliott, Feland, Gilbert, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Molnar, Peck, Quilici, Spring, Wallin.

Total 19

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Harrington, Wanzenried, Wiseman.

Total 3

**HB 518** - Representative Whalen moved HB 518 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Brooke, Feland, M. Hanson, Keller, Ryan, Tuss.  
Total 6

Voted Absentee: McCulloch, Aye.

Excused: None.  
Total 0

Absent or not voting: Ellis, Strizich.  
Total 2

**HB 530** - Representative Gilbert moved HB 530, second reading copy, be amended as follows (amendment #1):

1. Title, line 8.

Following: "HIGHWAYS;"

Insert: "ALLOWING THE DEPARTMENT TO ISSUE SPECIAL PERMITS FOR TRUCK-TRAILER-TRAILER COMBINATIONS TO CERTAIN OTHER OPERATORS ON CERTAIN HIGHWAYS;"

2. Page 6, line 13.

Following: "1987."

Insert: "(8) The department of transportation may issue special permits under subsection (6) for vehicle combinations that consist of a truck-trailer-trailer if:

(a) the vehicle combination's overall length, inclusive of front and rear bumpers, is not more than 95 feet; and

(b) the person, firm, or corporation applying for the permit:

(i) restricts truck-trailer-trailer operations authorized by the permit to the hauling of talc ore;

(ii) operated the truck-trailer-trailer combination before July 1, 1987;

(iii) restricts the truck-trailer-trailer operations authorized by the permit to the specified routes that those vehicles used before July 1, 1987; and

(iv) provides the department of transportation with an affidavit confirming the routes used before July 1, 1987, for truck-trailer-trailer operations."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Brooke, Daily, Driscoll, Hayne, Larson, Pavlovich, Stanford, Whalen, Winslow.

Total 9

Excused: McCulloch.

Total 1

Absent or not voting: Bergman, Davis, Sayles, Toole.

Total 4

Representative Spring moved HB 530, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Davis, Driscoll, Gervais, Larson, McCulloch, Stanford.

Total 6

Voted Absentee: McCulloch, No.

Excused: None.

Total 0



Absent or not voting: Fisher, Toole.  
Total 2

**HB 532** - Representative Tunby moved HB 532 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Whalen, Wiseman, Zook, Mr. Speaker.  
Total 65

Noes: Bachini, Bohlinger, Brooke, Cocchiarella, Dolezal, Dowell, Driscoll, Elliott, Ewer, Galvin, Gervais, Harper, Harrington, J. Johnson, Kadas, Kasten, McCaffree, McCulloch, Peck, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Tuss, Vogel, Wanzenried, Winslow, Wyatt.  
Total 33

Voted Absentee: McCulloch, No.

Excused: None.  
Total 0

Absent or not voting: Bergsagel, Strizich.  
Total 2

**HB 534** - Representative Cocchiarella moved HB 534 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Brandewie, Rose.

Total 2

**HB 564** - Representative Bergsagel moved HB 564 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Brown, DeBruycker, Dowell, Driscoll, Ewer, Feland, Fisher, Harper, Herron, R. Johnson, Larson, Peterson, Raney, S. Rice, Tuss, Wanzenried, Wyatt.

Total 17

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Bohlinger, Grinde, Toole.

Total 3

**HB 567** - Representative Foster moved HB 567 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Zook.

Total 91

Noes: DeBruycker, Galvin, Orr, Wiseman, Wyatt.

Total 5

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Elliott, Grady, Grinde, Mr. Speaker.

Total 4

**HB 585** - Representative Cocchiarella moved HB 585 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 74

Noes: Anderson, Bergsagel, Clark, Cobb, DeBruycker, Feland, Fisher, Grinde, Hansen, M. Hanson, Hayne, R. Johnson, Kasten, Keller, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, Smith, Spring, Vogel, Zook.

Total 24

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Bergman, Schwinden.

Total 2

**HB 599** - Representative Grimes moved HB 599 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Strizich, Tash, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Bachini, Bardanouve, Barnhart, Bergsagel, Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ewer, Galvin, Gervais, Hansen, Harper, Kadas, McCaffree, McCulloch, Menahan, Peck, Raney, Ream, S. Rice, Russell, Schwinden, Schye, Squires, Stanford, Swanson, Toole, Tuss, Wanzenried, Wyatt.

Total 34

Voted Absentee: McCulloch, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 503** - Representative Ream moved HB 503 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, DeBruycker, Kadas, Rose.

Total 4

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: R. Johnson, S. Rice.

Total 2

**HB 606** - Representative Ellis moved HB 606 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.



Total 97

Noes: Bergsagel, Peck, Wanzenried.

Total 3

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 631** - Representative Wallin moved HB 631 do pass.

Representative Bardanouve made a substitute motion HB 631 be passed for the day. Motion carried.

**HB 634** - Representative Elliott moved HB 634 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bachini, Bergsagel, McCaffree, Peck, Wanzenried.

Total 5

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 637** - Representative Ryan moved HB 637 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin,

Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 650** - Representative Strizich moved consideration of HB 650 be passed for the day. Motion carried.

**HB 586** - Representative Wyatt moved HB 586, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Following: "EMPLOYEE;"

Insert: "ALLOWING ACTIVE MEMBERS OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO RECEIVE CREDITABLE SERVICE FOR CERTAIN MILITARY SERVICE AT NO COST TO THE MEMBER; ADJUSTING THE EMPLOYER CONTRIBUTION RATE;"

Following: "19-3-502"

Insert: ", 19-3-503, 19-3-801,"

2. Title, line 10.

Following: "PROVIDING"

Insert: "EFFECTIVE DATES AND"

3. Page 1, line 15.

Strike: "the"

4. Page 2, line 8.

Insert: "It is also the intent of the legislature to provide to active members of the public employees' retirement system the same consideration that is afforded to active members of the teachers' retirement system with respect to allowing 4 years of military service to be qualified as creditable service at no cost to the member.

It is further the intent of the legislature that active members of the public employees' retirement system who have purchased 4 years of creditable military service prior to the

enactment of this bill will receive a refund, but only if the eligible members apply within the application period provided for in this bill. The application period is necessary to accurately determine the cost to the employer of providing the refunds.

The legislature requests that the public employees' retirement board present legislation to the 54th legislature to adjust the employer contribution included in this bill in order to fund the benefit, if an adjustment is necessary. The purpose of the adjustment would be to ensure that the increase in the employer contribution included in this bill is equal to the amount necessary to fund the benefit."

5. Page 6, line 24.

Following: line 23

Insert: "Section 4. Section 19-3-503, MCA, is amended to read:

"19-3-503. Election to qualify military service for full credit. (1) (a) Subject to the provisions of subsection (1)(b), an active member may receive up to 4 years of creditable service without cost for active service in the armed forces of the United States, which includes the army, navy, marine corps, air force, and coast guard, during the Korean conflict between June 1, 1950, and January 31, 1955, and the Vietnam conflict between December 22, 1961, and May 7, 1975, dates inclusive, if the member has 5 years or more of creditable service in the retirement system. To qualify service under this subsection, an active member shall submit to the board a completed application form and proper certification of the member's military service.

(b) In order to receive a refund for military service purchased by the member prior to July 1, 1993, but for which the member may qualify at no cost under subsection (1)(a), an active member shall apply in writing to the board before July 1, 1994.

(2) (a) A member with 10 years or more of state service qualified under this chapter may, at any time prior to retirement, make a written election with the board to qualify all or any portion of ~~his~~ the member's active service in the armed forces of the United States, including the first special service force or the American merchant marine in oceangoing service during the period of armed conflict, December 7, 1941, to August 15, 1945, for the purpose of calculating retirement benefits, up to a maximum of 5 years, if ~~he~~ the member is not otherwise eligible to receive credit for this same service pursuant to 19-3-502 or subsection (1) of this section.

(b) To qualify this service ~~he~~ the member must contribute to the retirement fund the amount determined by the board to be due based on ~~his~~ the member's compensation and normal contribution rate as of ~~his~~ the member's 11th year and as many succeeding years as are required to qualify this service, with interest from the date ~~he~~ the member becomes eligible for this benefit to the date ~~he~~ the member ~~contributes~~ payment is completed. ~~He~~ A member may not qualify more of this service than ~~he has state~~ the member's total membership service in excess of 10 years.

(2)(3) If a member has retired from active duty in the armed forces of the United States, including the first special service force or the American merchant marine in oceangoing service

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during the period of armed conflict, December 7, 1941, to August 15, 1945, with a normal service retirement benefit, ~~he~~ the member may not qualify ~~his~~ military service under ~~subsection (1)~~ of this section. However, a member who is serving or has served in the military reserves with the expectation of receiving a military service pension may qualify ~~his~~ active military service under ~~subsection (1)~~ of this section if ~~his~~ the member's active duty in the armed forces of the United States, including the first special service force or the American merchant marine in oceangoing service during the armed conflict, December 7, 1941, to August 15, 1945, is not more than 25% of the total sum of all ~~years of~~ the member's military service including reserve and active duty time."

Section 5. Section 19-3-801, MCA, is amended to read:

"19-3-801. Employer contribution rates -- actuarial determination. (1) Each employer shall contribute to the cost of benefits under the system. The amount of the employer contributions ~~shall~~ must be computed by applying to member's compensation the sum of the current service contribution rate and the unfunded liability contribution rate. The sum of these rates is 6.417% from July 1, 1983, to June 30, 1992. The sum of the rates increases to 6.55% on July 1, 1992, and to 6.70% 6.83% on July 1, 1993.

(2) The actuary shall determine the current service contribution rate to be that level percentage of the present value of the future compensation of the average new member entering the system which equals the then present value of the excess of all prospective benefits in respect of ~~such~~ the member over the member's own normal contributions.

(3) The actuary shall determine the minimum unfunded liability contribution rate to be that level percentage of the present value of the prospective compensation of all active members for the 40-year period following the date of the determination which is equal to the unfunded liability on that date. The unfunded liability at any time is the excess of the present value of all future benefits payable in respect of all persons then entitled to benefits under the system over the sum of the retirement fund and the present values of the future current service contributions and normal contributions payable in respect of all ~~such~~ persons.""

Renumber: subsequent sections

6. Page 6, line 25.

Strike: "[This act] applies"

Insert: "[Sections 1 through 3] apply"

7. Page 7, line 6.

Following: line 5

Insert: "NEW SECTION. Section 8. Effective date. [Sections 4 and 5] are effective July 1, 1993."

Amendment #1 passed as follows:



February 20, 1993

Ayes: Bachini, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Anderson, Bardanouve, Barnett, Bergman, Bergsagel, Clark, Cobb, Gilbert, Grimes, M. Hanson, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Orr, Peck, Spring, Stovall, Tash, Vogel, Wagner, Wallin.

Total 25

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Winslow.

Total 1

Representative Barnett moved HB 586, as amended, do pass. Motion carried as follows:

Ayes: Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Keller, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 75

Noes: Anderson, Bardanouve, Bergsagel, Cobb, DeBruycker, Elliott, Ewer, Feland, Gilbert, Grinde, Hansen, M. Hanson, Herron, R. Johnson, Kasten, Knox, Mason, L. Nelson, Orr, Peterson, Rehbein, Simpkins, Stovall, Zook.

Total 24

Voted Absentee: McCulloch, Aye.

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

**HB 601** - Representative Schye moved HB 601 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Boharski, Cobb, DeBruycker, M. Hanson, Kasten, Mason, Orr, Rehbein, Spring.  
Total 10

Voted Absentee: McCulloch, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 613** - Representative Ewer moved HB 613 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Boharski, DeBruycker, Galvin, Mason, Molnar, Spring.  
Total 6

Voted Absentee: McCulloch, Aye.

Excused: None.  
Total 0

Absent or not voting: Daily.

Total 1

**HB 527** - Representative Brown moved to reconsider action on HB 527 on second reading this day. Motion carried as follows:

Ayes: Anderson, Benedict, Bergman, Bird, Brandewie, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, Menahan, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Squires, Stanford, Stovall, Strizich, Tash, Tunby, Tuss, Vogel, Wagner, Whalen, Winslow, Zook, Mr. Speaker.

Total 68

Noes: Bachini, Bardanoue, Barnett, Barnhart, Bergsagel, Bohlinger, Brooke, Ewer, H.S. Hanson, M. Hanson, J. Johnson, Kadas, Kasten, McCarthy, Mills, Molnar, Ream, Schwinden, Schye, Simpkins, Smith, Spring, Swanson, Toole, Wallin, Wanzenried, Wiseman, Wyatt.

Total 28

Excused: McCulloch.

Total 1

Absent or not voting: Boharski, Daily, Pavlovich.

Total 3

**HB 485** - Representative Cocchiarella moved to reconsider action on HB 485 on second reading this day. Motion carried as follows:

Ayes: Barnhart, Benedict, Bird, Brooke, Brown, Clark, Cocchiarella, Dolezal, Dowell, Driscoll, Elliott, Endy, Fisher, Foster, Galvin, Gervais, Grady, Harper, Harrington, Hibbard, Larson, McCaffree, McCarthy, Menahan, T. Nelson, Orr, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Whalen, Winslow, Wyatt, Zook.

Total 51

Noes: Anderson, Bachini, Bardanoue, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Cobb, Davis, DeBruycker, Ellis, Ewer, Fagg, Feland, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, Peck, Peterson, Rehbein, Russell, Sayles, Smith, Stovall, Vogel, Wallin, Wanzenried, Wiseman, Mr. Speaker.

Total 46

Excused: McCulloch.

Total 1

Absent or not voting: Daily, Pavlovich.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved the adoption of the committee report. Report adopted. (79-17)

### REPORTS OF STANDING COMMITTEES

JUDICIARY (Fagg, Chairman):

2/20/93

**HB 570**, introduced bill, be amended as follows:

1. Page 1, line 10.

Insert: "STATEMENT OF INTENT

It is the intent of the legislature that government entities prepare assessments of government actions that affect private property interests. The assessments must use tests and guidelines established by the supreme court of the United States and the supreme court of the state of Montana when the assessments analyze constitutional principles.

It is not the intent of the legislature to expand the law relating to the taking or damaging of private property, as contained in opinions of the supreme court of the United States and the supreme court of the state of Montana, by the state or a local government."

2. Page 1, lines 13, 20, and 24.

Page 2, lines 5, 8, and 14.

Strike: "6"

Insert: "5"

3. Page 2, line 12.

Following: "rights."

Insert: "Nothing in [sections 1 through 5] may be construed to impair a property owner's right to appear in court on an eminent domain or inverse condemnation claim."

4. Page 2, line 21.

Strike: ","

Strike: "or may"

5. Page 3, line 11.

Strike: "or"

6. Page 3, line 14.

Strike: "."

Insert: ";

(vii) statutes, rules, regulations, license requirements, and permit requirements relating to building construction standards, fire safety standards, and life safety standards;

(viii) professional and occupational license requirements, gambling licenses, and liquor licenses;

(ix) statutes, rules, regulations, license requirements, and permit requirements relating to driver's licenses, motor vehicle registrations, and dealer licenses under Title 61, chapter 4; or



(x) actions by the department of public service regulation in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities."

7. Page 4, line 13.

Strike: "(1)"

8. Page 4, line 17.

Strike: "(a)"

Insert: "(1)"

9. Page 4, line 21.

Strike: "(b)"

Insert: "(2)"

10. Page 4, line 23.

Page 6, line 21.

Strike: "or value"

11. Page 4, line 24.

Page 5, lines 7 and 10.

Page 6, line 11.

Following: "taking"

Insert: "or damaging"

12. Page 4, line 25.

Strike: "(c)"

Insert: "(3)"

13. Page 5, line 1.

Strike: "or potentially affected"

14. Page 5, line 2.

Strike: "(d)"

Insert: "(4)"

15. Page 5, line 4.

Strike: "(i)"

Insert: "(a)"

16. Page 5, line 5.

Strike: "(ii)"

Insert: "(b)"

17. Page 5, line 7.

Strike: "(iii)"

Insert: "(c)"

18. Page 5, line 8.

Strike: "(e)"

Insert: "(5)"

19. Page 5, line 12.

Strike: "(f)"

Insert: "(6)"

Strike: "evaluation"

Insert: "estimate"

20. Page 5, lines 15 through 18.

Strike: subsection (2) in its entirety

21. Page 6, lines 4 through 7.

Strike: subsection (b) in its entirety

Renumber: subsequent subsection

22. Page 6, line 24.

Following: "owner,"

Insert: "if identifiable,"

23. Page 7, lines 5 through 19.

Strike: section 6 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 638**, introduced bill, be amended as follows:

1. Title, lines 5 through 7.

Strike: "PROHIBITING" on line 5 through "PERIOD;" on line 7

2. Page 2, lines 13 through 15.

Strike: "The" on line 13 through "time" on line 15

Insert: "The court may order the department to notify the court within 5 working days before the proposed release of a youth from a youth correctional facility"

3. Page 4, lines 6 and 7.

Strike: "to a more appropriate placement within a reasonable time"

Insert: ", pursuant to 53-21-127, to an appropriate mental health placement in which the youth's mental illness will be treated"

And, as amended, do pass. Report adopted.

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 652**, introduced by Larson, Harp, Benedict, Bird, Beck, Burnett, Peck, Bardanouve, Wanzenried, Brandewie, Ream, Wagner, Nathe, Swift, Fisher, Peterson, Orr, referred to Committee on Appropriations

**HB 653**, introduced by Hansen, Fritz, Halligan, Russell, Brooke, Ream, Squires, Bartlett, Toole, D. Brown, Barnhart, Larson, Dowell, Wyatt, Whalen, Davis, Franklin, Doherty, referred to Committee on Appropriations

### MOTIONS

Representative Rose moved he be allowed to change his vote on HB 576, second reading, from no to aye. Motion carried.

Representative Harper moved HB 239 be taken from the table in the Committee on State Administration, printed, and placed on second reading this legislative day. Motion failed. (43-53)

Representative Foster moved HB 535 be taken from the table in the Committee on Agriculture, Livestock, and Irrigation, printed, and placed on second reading this legislative day. Motion carried. (65-31)

Representative Dolezal moved HB 407 be taken from the table in the Committee on Natural Resources, printed, and placed on second reading this legislative day. Motion failed. (46-53)

Representative Kadas moved HB 262 be taken from the table in the Committee on Education and Cultural Resources, printed, and placed on second reading this legislative day. Motion failed. (46-53)

Representative Grady moved HBs 75, 314, 492, 517, 564, 585, 586 and 601 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

Representative Kadas moved HB 314 be segregated from Representative Grady's motion. Motion carried.

Representatives Daily, Menahan, Pavlovich and Quilici excused at this time.

Representative Grady moved HB 314 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried. (50-48)

Mr. Speaker ruled the absentee votes could not be used on this motion. House Minority Leader Schye questioned this decision. Mr. Speaker called for a recess so that the Rules Committee could interpret the rules accordingly.

House recessed at 5:36 p.m.

House reconvened at 5:43 p.m. Mr. Speaker in the Chair.

Representative Grinde reported that the Rules Committee unanimously agreed that absentee votes would be allowed on Representative Grady's motion that HB 314 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried. (56-44)

Representative Gervais moved he be allowed to change his vote on HB 485, second reading, from no to aye. Motion carried.

**SPECIAL ORDERS OF THE DAY****TRANSMITTAL AGREEMENT**

February 20, 1993

It is hereby agreed that the following bills shall be treated as hereinafter set forth for the purposes of transmittal:

1. All bills referred to the Appropriations Committee, the Select Committee on Workers' Compensation and the Select Committee on School Funding, as well as the following appropriations bills, shall be subject to the 67th day transmittal deadline.

House Bills No.: HB 75, HB 143, HB 508, HB 517, HB 522, HB 525, HB 540, HB 542, HB 553, HB 564, HB 574, HB 598, HB 615, HB 625, HB 629.

2. All bills referred to the Taxation Committee shall be transmitted between houses no later than the 71st legislative day, and the following bills shall be subject to the 71st day transmittal deadline.

House Bills No.: HB 131, HB 354, HB 380, HB 430, HB 478, HB 493, HB 512, HB 516, HB 555, HB 572, HB 585, HB 608, LC 76.

Senate Bills No.: SB 87, SB 177, SB 271, SB 274, SB 287, SB 305, SB 310, SB 314, SB 354, SB 373, SB 389, SB 401, SB 416, SB 417, LC 0009, LC 0013, LC 0047, LC 0801, LC 0863, LC 1408, LC 1461, LC 1517, LC 1560.

Fred Van Valkenburg  
President of the Senate

John Mercer  
Speaker of the House

Bruce Crippen  
Senate Minority Leader

Ted Schye  
House Minority Leader

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 9:00 a.m., Monday, February 22, 1993. Motion carried.

House adjourned at 5:50 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk









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